



WEB COPY

W.P.No.22308 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.22308 of 2023

A.Chinnasamy

... Petitioner

Vs.

1.The District Collector,
District Collector Office,
District Collector Office Road,
Moovendar Nagar, Villupuram,
Villupuram District – 605 602.

2.The Thasildar,
Melmalaiyanur Taluk Office,
Melmalaiyanur, Villupuram,
Villupuram District – 604 201.

3.The Village Administrative Officer,
Village Administrative Office,
Annamangalam Village,
Villupuram District – 604 210.

4.The Surveyor,
Annamangalam Village,
Villupuram District - 604 210.

5.Saraswathi

6.R.Ganesh

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to survey the lands in Survey No.90/2K1 15 cents and 90/2L 4 cents in the southern part as per Doc.No.77/2011 dated 21.01.2011, Rottupalayam, Annamangalam Village, Melmalaiyanur Taluk, Villupram District – 604 210 by considering representation dated 05.04.2023.

For Petitioner : Mr.S.Lakshmikanth

For R1 to R4 : Mr.E.Sundaram
Government Advocate

ORDER

The relief sought for in the present writ petition is to direct the respondents to survey the lands in Survey No.90/2K1 15 cents and 90/2L 4 cents in the southern part as per Doc.No.77/2011 dated 21.01.2011, Rottupalayam, Annamangalam Village, Melmalaiyanur Taluk, Villupram District – 604 210 by considering representation dated 05.04.2023.

2.The petitioner states that by virtue of a registered Partition Deed in Document No.77/2011 dated 21.01.2011, the petitioner was allotted agricultural lands. In December 2022, the respondents 5 and 6, wife and son of the petitioner's brother along with rowdy elements attacked the petitioner



and his wife and destroyed the agricultural crops. The petitioner lodged a police complaint, but no action has been taken. The present writ petition has been filed to direct the official respondents to survey the land.

3. Visibly a civil dispute exist between the petitioner and his brother's family. Such civil disputes cannot be adjudicated in a writ proceedings under Article 226 of the Constitution of India. The purpose of Survey and Boundaries Act cannot be abused for the purpose of settling the private disputes between the parties and the Act has been now utilized only for the purpose of maintenance of revenue records. In the event of any objection, the Government surveyors may not be in a position to conduct survey. Therefore, the parties in such circumstances have to approach the Civil Court for the purpose of resolving the civil dispute between the parties. Seeking police protection in a writ proceedings to conduct survey is also not entertainable and all such reliefs are to be sought for in the Civil Court by filing an appropriate suit or petition.

4. In view of the facts and circumstances of the case, the petitioner is at liberty to approach the Civil Court in the manner known to law.



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costs.

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5. With these observations, the writ petition stands dismissed. No

28.07.2023

cse

Index : Yes/No

Speaking order/Non-Speaking Order

Neutral Citation : Yes /No



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S.M.SUBRAMANIAM, J.

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