



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.24127 of 2023

K.Sasikumar

... Petitioner

Vs.

1. The District Collector,
Krishnagiri Collectorate Office,
Krishnagiri.

2. The District Revenue Officer,
Krishnagiri District,
Krishnagiri.

3. The Tahsildar,
Bargur Taluk,
Krishnagiri District.

4. Senmurthy

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to quash the Memorandum in No. ஓ.மு.எப்.எல். 316.2021 (சீ1) நாள் 05.2022 passed by 3rd Respondent and direct the Respondents 1 to 3 herein to hold an enquiry on the appeal representation dated 17.11.2022 pending before the 3rd respondent vide office letter in மே.எ.அ.தி.மு.அ.8254/2022/நாள் 25.11.2022 sent by the 2nd Respondent.



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For Petitioner : Mrs.M.Chithiragomathy
For R1 to R3 : Mr.C.Jayaprakash
Government Advocate

ORDER

The impugned memo issued by the Tahsildar in proceedings dated May 2022 reveals that the applications submitted by the petitioner to survey the subject property was considered and while initiating action to survey land, the Taluk Sub-Inspector of Surveyor found that there was a land dispute exist between the petitioner and the fourth Respondent. In view of the objections raised by the fourth respondent, the Surveyor was not in a position to complete the survey. Accordingly, the Surveyor submitted a report to the Tahsildar stating that there is a land dispute existing between the private parties and therefore, the survey was unable to be concluded.

2. The provisions of the Tamil Nadu Survey and Boundaries Act, 1923, cannot be pressed into service for the purpose of resolving the private property dispute between the individuals. The Act was enacted in the year 1923 and 100 years lapsed. The very purpose and object of the Act to settle the land 100 years back cannot be now utilized for the purpose of resolving the private disputes between the parties. The Act has been now utilized for



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the purpose of maintenance of revenue records and if there is no dispute between the parties, survey can be conducted. In the event of any dispute between the parties, they have to approach the competent civil court of law for the purpose of establishing their right. If at all the petitioner claims title in respect of subject property, he has to approach the civil court of law for the purpose of establishing his right in the manner known to law. As far as Government Surveyors are concerned, they can entertain application and conduct survey, only if there is no dispute in respect of property concerned.

3. Thus, the petitioner is not entitled for relief and accordingly this writ petition is stand dismissed. No costs.

16.08.2023

skr/nsi
Index : Yes
Speaking order



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To

1. The District Collector,
Krishnagiri Collectorate Office,
Krishnagiri.

2. The District Revenue Officer,
Krishnagiri District,
Krishnagiri.

3. The Tahsildar,
Bargur Taluk,
Krishnagiri District.



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S.M.SUBRAMANIAM, J.

skr/nsl

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