



WEB COPY

W.P.No.22090 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 26.07.2023**

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**W.P.No.22090 of 2023**

Selvakumar

... Petitioner

Vs.

1.The Tahsildar,  
Tahsildar Office,  
Pallavaram Taluk,  
Chengalpattu District.

2.The Taluk Surveyor,  
Tahsildar Office,  
Pallavaram Taluk,  
Chengalpattu District.

...Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider and pass orders on the petitioner's Application / representation dated 12.06.2023 by measuring and fixing the boundary stones in S.No. 56/2 measuring an extent of 0.04 Cent at No.2/3, Duraikannu Salai Old Pallavaram Village, Pallavaram Taluk, Chengalpattu District.

For Petitioner : Mr.R.Balamurugan

For Respondents : Mr.D.Ravichander  
Special Government Pleader



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## **ORDER**

The relief sought for in the present writ petition is to direct the respondents to consider and pass orders on the petitioner's Application / representation dated 12.06.2023 by measuring and fixing the boundary stones in S.No. 56/2 measuring an extent of 0.04 Cent at No.2/3, Duraikannu Salai Old Pallavaram Village, Pallavaram Taluk, Chengalpattu District.

2. The issues raised in the present writ petition were adjudicated by this Court in a batch of writ petitions in ***W.P.No.37519 of 2016 [S.Sakkarai Vs. The Tashildhar, Dharmapuri District] etc., and batch***, and a judgment was delivered on 19.06.2023 and the relevant paragraphs of the judgment are extracted hereunder:

*“36. Section 9 of the Code of Civil Procedure unambiguously contemplates that “The Courts shall have jurisdiction to try all suits of a civil nature excepting suits of which their cognizance is either expressly or impliedly barred”.*



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37. Therefore, a special enactment has no relevance with reference to a right of the parties to approach the competent Civil Court of law to resolve all nature of civil disputes including boundary dispute, survey dispute, title dispute, ownership or otherwise. Therefore, neither the parties nor the authorities need to create an impression that in the event of boundary dispute, the parties have to approach the authorities at the first instance. It is not required that the aggrieved persons, in the event of boundary dispute has to approach the authorities for fixing the boundary, they are at liberty to approach the Civil Court of law under Section 9 of the Code of Civil Procedure, which is unambiguous in this regard.

38. Submitting an application for fixing boundary is an option available to the aggrieved persons. Once an application is filed, whether the application is entertainable under the provisions of the Act is to be determined by the authorities and only if it is falling within the ambit of the Act, then alone the survey or fixing of boundary is to be undertaken. Even in this case, the authorities are bound to relegate the parties to the competent





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*disposed of and appeals provided under the Act has been filed, then such appeals are to be decided on merits and in consonance with the provisions of the Survey and Boundaries Act.”*

3. In view of the fact that the case of the petitioner is also similar to that of the cases (cited *supra*), the case of the petitioner is also to be considered on the same line. Accordingly, this Writ Petition stands disposed of. No costs.

**26.07.2023**

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Index : Yes

Neutral Citation : Yes

Speaking order



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To

1.The Tahsildar,  
Tahsildar Office,  
Pallavaram Taluk,  
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**S.M.SUBRAMANIAM, J.**

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