



WEB COPY

W.P.No.22675 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.22675 of 2023

V.Sivaprakasam

... Petitioner

Vs.

1.The District Collector,
Office of District Collector,
Cuddalore,
Cuddalore District.

2.The Tahsildhar,
Office of Thasildhar,
Srimushnam,
Cuddalore District.

3.The Taluk Surveyor,
Srimushnam Taluk Office,
Srimushnam,
Cuddalore District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to dispose of the petitioner representation dated 15.04.2023 to measure the land in Survey No.442/2 A to extent of 0.14 Ares (0.34) cents, Kavanoor Village, Srimushnam Taluk, Cuddalore District.



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For Petitioner : Mr.C.Venkatesan
For Respondents : Mr.C.Jayaprakash,
Government Advocate

ORDER

The writ petition has been filed for directing the respondents 1 to 3 to dispose of the representation dated 15.04.2023 submitted by the petitioner to measure the land in Survey No.442/2 A to extent of 0.14 Ares (0.34) cents, Kavanoor Village, Srimushnam Taluk, Cuddalore 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 & etc., 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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39. *It is contended by the petitioner that the authorities are making certain findings regarding the title, ownership in their order, while rejecting the applications. Such findings made by the authorities either in the patta proceedings or in the proceedings under the Survey and Boundaries Act are restricted and to be understood only for the purpose of arriving a conclusion under the provisions of the Act and the said patta proceedings or the proceedings under the Survey and Boundaries Act would not confer any title or be taken as a conclusive decision, more specifically under Section 35 of the Evidence Act.*

40. *Accordingly, the respondents are directed to consider the representations / applications submitted by the petitioners in the order of seniority and by following the procedures as contemplated under the Governmental orders and in consonance with the provisions of the Survey and Boundaries Act, 1923 and pass appropriate orders on merits and in accordance with law. Wherever the applications are already 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.*



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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.

4. Accordingly, this Writ Petition stands disposed of. No costs.

01.08.2023

skr

Index : Yes

Speaking order

To

1.The District Collector,
Office of District Collector,
Cuddalore,
Cuddalore District.

2.The Tahsildhar,
Office of Thasildhar,
Srimushnam,
Cuddalore District.

3.The Taluk Surveyor,
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S.M.SUBRAMANIAM, J.

skr

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