



W.P.No.23475 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2023

CORAM :

THE HON'BLE MR.JUSTICE S.M. SUBRAMANIAM

W.P.No.23475 of 2023

M. Govindasamy

.. Petitioner

Versus

1.The Tasildhar,
Polur Taluk Office,
Tiruvannamalai District.

2.The Surveyor,
Polur Taluk Office,
Tiruvannamalai District.

3.The Inspector of Police,
Polur-Police Station,
Tiruvannamalai District.

4.V.Jeyaselan,

5.Mathivanan

6.Baby

..Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Mandamus directing the respondents 1 and 2 to survey and demarcate the petitioner's land to an extent of 0.6 ½ cents in Survey No.126/1A3B1A situated at No.39 – Retteripattu Village, Polur Taluk, Tiruvannamalai District based on the petitioner's Challan No.20230109007316 dated 09.01.2023 with the help of the 3rd respondent based on the letter in O.Mu.f/329/2023 dated 24.03.2023 of the 1st respondent.

For Petitioner : Mr.E.Sathiyaraj

For R1 & R2 : Mr.E.Sundaram,
Government Advocate.

For R3 : Mr.S.Vinoth Kumar,
Government Advocate (Crl.Side)

ORDER

The relief sought for in the present writ petition is to direct the respondents 1 and 2 to survey and demarcate the petitioner's land to an extent of 0.6 ½ cents in Survey No.126/1A3B1A situated at No.39 – Retteripattu Village, Polur Taluk, Tiruvannamalai District.



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2.The petitioner submitted an application under the Survey and Boundaries Act to survey the land belonging to him. When the surveyor went to the spot for the purpose of conducting survey, the respondents 4 to 6 raised an objection and thereafter, a police complaint was filed before the Inspector of Police, Polur Police station.

3.The Survey and Boundaries Act cannot be utilized for the purpose of settling the private dispute between the parties. In the event of no dispute, the Government Surveyor will be in a position to survey the land only for the limited purpose of maintaining the revenue records. There is no provision under the Survey and Boundaries Act to resolve the private dispute between the parties. In the event of any such dispute, the parties are to be relegated to approach the Civil Court of law by filing appropriate application for surveying the lands. In other words, such dispute over survey of properties are to be made only through the Civil Court of law and the Government Surveyors have no authority to survey such disputed land. Such survey cannot be conducted with the assistance of the police and there



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is no such provision under the Survey and Boundaries Act to conduct survey in such a manner. Therefore, the petitioner is at liberty to approach the competent Civil Court of law for the purpose of conducting survey or to establish his title, ownership, etc. in the manner known to law.

4. With the above observations, the writ petition is disposed of. No costs.

10.08.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
cse/veda



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To

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Polur Taluk Office,
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Polur Taluk Office,
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S.M.SUBRAMANIAM, J.
cse/veda

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