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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P No.25284 of 2023

B.Yuvarani

...Petitioner

Vs.

1. The Collector of Madras,
Singaravelar Maligai,
Chennai-600 001.

2. The Tahsildar,
Purasaiwalkam,
Perambur Taluk,
Chennai.600 011.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to conduct a detailed survey in respect of the representation dated 09.11.2022 which has been received by the respondent on 10.11.2022 and grant the petitioner fresh patta and pass such further or other orders.

For Petitioner

: Mr.C.Rajan

For Respondents

: Mr.T.Arun Kumar

Additional Government Pleader

ORDER

The relief sought for in the present writ petition is to direct the respondents to conduct detailed survey in respect of the subject property.



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2. The petitioner submitted a representation on 09.11.2022 to survey the property belonging to the petitioner and her husband. Admittedly, a civil suit is pending. The representation was submitted by the petitioner during the pendency of the civil suit.

3. The learned counsel for the petitioner mainly contended that there was an error in patta originally granted in favour of the petitioner and her husband, such error is to be corrected and the application was submitted to effect certain changes in the patta.

4. In the event of considering the representation submitted by the petitioner during the pendency of the civil suit, there is a possibility of causing prejudice to the interest of the other parties in a civil suit. Contrarily, the petitioner may approach the civil court by filing an interlocutory application for conducting survey or to measure the land in the manner known to law. It is for the petitioner to work out her remedy in the manner known to law.

5. During the pendency of a civil suit or in the event of an objection or dispute, the application under the provisions of the Survey and Settlement Act is not maintainable. The Government Surveyors by conducting survey cannot resolve the civil dispute between the parties.

The provisions of the Survey and Boundaries Act are now utilized for the



purpose of maintenance of revenue records by the Government and certainly not to resolve the civil disputes between the parties. Thus the Government Surveyors cannot conduct survey in the event of any objection from any person for conducting survey. This being the scope of the writ petition, the writ petitioner is at liberty to work out her remedy in the manner known to law.

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

28.08.2023

Index : Yes
Speaking Order
Neutral Citation Case : No
gpa/gvn

To

1. The Collector of Madras,
Singaravelar Maligai,
Chennai-600 001.
2. The Tahsildar,
Purasaiwalkam,
Perambur Taluk,
Chennai.600 011.
3. Special Government Pleader,
High Court of Madras.

S.M.SUBRAMANIAM, J.



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