



WEB COPY



W.P No.25271 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P No.25271 of 2023

R.Sivakami

...Petitioner

Vs.

1. The District Revenue Officer,
Thiruvallur.

2. The Revenue Divisional Officer,
Chennai Central Division, Chennai District.

3. The Tahsildar,
Ambattur Taluk,
Chennai District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the Respondents herein to survey and measure land to an extent of 1630 Sq.ft (as per state on ground 1643 Sq.ft) comprised in Survey No.166 part bearing Plot No.40, Annai Nagar, situated at Korattur Village, Ambattur Taluk, Thiruvallur District (Now Chennai District) situated within the office of the Sub-Registrar, Ambattur and pass such further or other orders.

For Petitioner : Mr.Karthikeyan Sekar

For Respondent Nos.1 to 3 : Mr.D.Ravichander
Special Government Pleader



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ORDER

WEB COPY The present writ petition has been filed seeking a direction to the respondents to survey and measure the petitioner's land in Survey No.166 part, bearing Plot No.40, Annai Nagar, situated at Korattur Village, Ambattur Taluk, Thiruvallur District

2. The petitioner has already given a complaint before the Police Station in C.S.R.No.818 of 2023 against one Mr.Seghar and his wife Mrs.Sreepriya. The complaint given by the petitioner before the police reveals that the said Mr.Seghar and his wife Mrs.Sreepriya have encroached upon the portion of land belonging to the petitioner and put up fencing.

3. The learned counsel for the petitioner made a submission that an application was made by the petitioner to survey the land. Since the Surveyor has not initiated action to consider the application, the present writ petition has been filed.

4. In the event of dispute between the parties regarding boundaries, the Government Surveyor cannot conduct survey and resolve such disputes. The provisions of the Survey and Boundaries Act, 1923 cannot be expanded for the purpose of resolving the civil dispute between the parties. When there is a police complaint, as given by the



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petitioner against rival claimants and there is a boundary dispute, then the parties are to be relegated to approach the competent Civil Court of law for the purpose of resolving the issues. The Survey and Boundaries Act, is to be now pressed into service only for the purpose of maintenance of revenue records and on the ground of conducting survey, the Government Surveyors cannot settle the civil disputes. Once there is an objection from any person, the Government Surveyor cannot conduct survey and the parties have to approach the competent Civil Court of law. In the present case, the petitioner has already given a police complaint against one Mr.Seghar and his wife Mrs.Sreepriya. That being the factum, the dispute exists and thus the petitioner has to approach the competent civil court of law for the purpose of resolving the boundary dispute.

With these observations, the writ petition stands disposed of. No costs.

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Index : Yes
Speaking Order
Neutral Citation Case : No

gpa/gvn



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S.M.SUBRAMANIAM, J.

gpa/gvn

To

1. The District Revenue Officer,
Thiruvallur.
2. The Revenue Divisional Officer,
Chennai Central Division, Chennai District.
3. The Tahsildar,
Ambattur Taluk,
Chennai District.
4. Special Government Pleader,
High Court of Madras.

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