



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.27169 of 2023

A.Dhanapackiam

...Petitioner

Vs

1.The Thasildhar,
Ayanavarm Taluk Office,
Ayanavaram, Chennai – 600 023.

2.Head Surveyor,
Survey Department,
Ayanavaram Taluk,
Chennai – 600 023.

3.Deputy Inspector,
Survey and Land Records,
Ayanavaram, Chennai – 600 023.

4.Gnana Oli

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st and 2nd respondents to survey the land by metes and bounds comprised in Survey No.7/1, T.S.No.44, Block No.13 of Siruvallur Village, Permabur Taluk, Chennai District by considering the petitioner's representation dated 30.06.2023.



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For Petitioner	: Mr.Dr.K.Sundararaj
For R1 to R3	: Mr.E.Sundaram, Government Advocate

ORDER

The relief sought in the present writ petition is to direct the 1st and 2nd respondents to survey the land by metes and bounds comprised in Survey No.7/1, T.S.No.44, Block No.13 of Siruvallur Village, Permabur Taluk, Chennai District, by considering the petitioner's representation dated 30.06.2023.

2. The petitioner has raised an allegation that a house in the northern side of the property was absolutely owned by her grand father Natesan. The 4th respondent had purchased the same from the grand father of the petitioner and thereafter, the 4th respondent sold the said property to another party. The said purchaser now started demolishing the structure and encroached the open pathway belonging to the petitioner. The pathway indicated by the petitioner is not a public road and it is a private pathway made for the benefit of the residents of the same compound.



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3. The provisions of the Tamil Nadu Survey and Boundaries Act, 1923 cannot be pressed into service for the purpose of resolving a civil dispute between the private parties. The Act of the year 1923 was enacted to settle the unsettled boundaries during the relevant point of time and now 100 years lapsed. The Act is being utilised for the purpose of maintenance of revenue records of the Government and therefore, the scope of the Act cannot be expanded for the purpose of resolving the private boundary disputes by engaging a Government Surveyor. In the event of any objection, the Government Surveyor may not be in a position to conduct survey. Even if such survey is conducted by the Government Surveyor, the said survey would not confer any right of title or ownership as the case may be. Such disputes are to be resolved only through the competent Civil Court of law and based on the evidences and documents available on record.

4. That being the factum, the relief as such sought for, if granted, would cause great prejudice to either of the parties and therefore, the petitioner is at liberty to approach the competent Civil Court of law for resolving the issues.



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S.M.SUBRAMANIAM,J.

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5. Accordingly, the Writ Petition stands dismissed. No costs.

15.09.2023

Index:Yes
Speaking order
Neutral Citation:Yes/No
hvk

To

1.The Thasildhar,
Ayanavarm Taluk Office,
Ayanavaram, Chennai – 600 023.

2.Head Surveyor,
Survey Department,
Ayanavaram Taluk,
Chennai – 600 023.

3.Deputy Inspector,
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