



W.P.No.25875 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.25875 of 2023

V. Rajendiran

... Petitioner

Vs.

- 1.The District Collector,
Tirupattur District.
- 2.The Revenue Divisional Officer,
O/o the Revenue Divisional Officer,
Tirupattur,
Tirupattur District.
- 3.The Tahsildar,
Tirupattur Taluk,
Tirupattur District.
- 4.The Town Surveyor,
Tirupattur Taluk,
Tirupattur District.
- 5.The Village Administrative Officer,
Konerikuppam Village,
Tirupattur Taluk,
Tirupattur District.



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6. The Inspector of Police,
Tirupattur Taluk Police Station,
Tirupattur,
Tirupattur District.

7. Arumugam

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 5 to conduct survey and mark the boundaries of the petitioner's property situated at Konerikuppam Village, Tirupattur Taluk, Tirupattur District., in Survey Nos 94/2, 51/5E in Patta No.278 total an extent of 4.05 ¼ Cents on the considering the petitioner's representations dated on 31.08.2020, 03.10.2022 and 26.06.2023 within a time stipulated by this Court.

For Petitioner : Mr.D.Jagadeesan

For Respondents 1 to 6 : Mr.T.Arunkumar,
Additional Government Pleader.

ORDER

The relief sought for in the present writ petition is to direct the respondents 1 to 5 to conduct survey and mark the boundaries of the petitioner's property situated at Konerikuppam Village, Tirupattur Taluk, Tirupattur District comprised in Survey Nos.94/2, 51/5E in Patta No.278 measuring total extent of 4.05 ¼ Cents.



2. The petitioner submitted an application under the Survey and Boundaries Act to conduct survey of the property belonging to him. Admittedly, there is an objection by the 7th respondent to conduct survey and therefore, the petitioner has filed an application seeking police assistance.

3. The provisions of the Survey and Boundaries Act cannot be expanded for the purpose of resolving the civil disputes between the parties. The Act was intended to settle the unsettled properties in the year 1923 i.e., 100 years back. Now the Act is to be utilised for the purpose of conducting survey to maintain revenue records by the Government. In the event of a sub-division, necessarily survey is to be conducted and revenue records are to be maintained. Thus, the provisions of the Act cannot be pressed into service for the purpose of settling the civil disputes between the parties.

4. Merely by conducting a survey, civil rights cannot be determined nor the Government Surveyors are empowered to resolve such issues. In the event of an objection from the co-owner or the adjacent owner or any other persons, survey cannot be conducted and therefore, such applications filed is not entertainable. The parties are to be relegated to approach the competent



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civil court of law for the purpose of establishing their rights to settle the boundary disputes or other disputes of civil nature. This being the principles to be followed in the present writ petition. The seventh respondent is raising an objection to conduct survey and thus, the petitioner is at liberty to approach the competent civil court of law.

5. With this liberty, the present Writ Petition stands disposed of. No costs.

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veda/nl

Index:Yes

Speaking order



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To

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S.M.SUBRAMANIAM, J.

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