



WEB COPY

W.P.No.25041 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.25041 of 2023

Kannan Udaiyar

... Petitioner

Vs.

1.The Revenue Tahsildar,
Taluk Office,
Gingee Taluk,
Villupuram District.

2.The Firka Surveyor,
Taluk Office,
Gingee Taluk,
Villupuram District.

3.The Village Administrative Officer,
Melpappampadi,
Gingee Taluk,
Villupuram District.

4.Mani

... 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 3 to conduct survey and demarcate the boundaries of the property comprised in R.S.No.242 of 2017 admeasuring 0.02.00 Ares situated at



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Vasthalampuravadai Village, Melpappambadi Revenue Village, Gingee Taluk, Villupuram District so as erect boundary stones to put up fence around the property.

For Petitioner : Mr.M.Saravanan

For Respondents 1 to 3 : Mr.T.Arun Kumar
Additional Government Pleader

ORDER

The relief sought for by the petitioner in the present writ petition is to direct the respondents 1 to 3 to conduct the survey and demarcate the property comprised in R.S.No.242 of 2017 admeasuring 0.02.00 Ares situated at Vasthalampuravadai Village, Melpappambadi Revenue Village, Gingee Taluk, Villupuram District.

2. The petitioner states that the 4th respondent is interfering with the peaceful possession of the property belonging to the petitioner. The petitioner submitted an application to survey the property and the respondents 1 to 3 have not initiated any action and therefore, the petitioner is constrained to move the present writ petition.



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3. The learned Additional Government Pleader raised an objection by stating that the 4th respondent raised an objection and therefore, the Government surveyors cannot conduct survey under the provisions of the Survey and Boundaries Act.

4. Civil disputes regarding the boundaries cannot be settled by appointing Government surveyors under the provisions of the Survey and Boundary Act. The scope of the Survey and Boundary Act is to maintain the revenue records by the Government and not to settle the property dispute between the private individuals. Thus, any person attempting to resolve the civil dispute through the provision of the Survey and Boundaries Act cannot be encouraged by the Courts.

5. Merely issuing a direction to consider the representation would do no service to the cause of justice and the litigant will be back again before this Court by filing another writ petition and it will result in multiplicity of proceedings and the issues between the parties cannot be resolved in the manner known to law.



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6. The only remedy available to the petitioner is to approach the Civil Court for the purpose of settling the boundary disputes between the petitioner and fourth respondent. Thus, the petitioner is at liberty to approach the competent civil court of law for the purpose of establishing his rights and to settle the boundary dispute.

7. With these observations, the writ petition stands disposed of.

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Index : Yes

Speaking order

Neutral Citation : Yes



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