



WEB COPY

W.P.No.25738 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 25738 of 2023

E.Selvaraj

... Petitioner

Vs.

1.The Tahsildar,
Taluk Office,
Keezh Pennathur Taluk,
Thiruvannamalai District.

2.The Taluk Head Surveyor,
Keezh Pennathur Taluk,
Thiruvannamalai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India was filed to issue Writ of Mandamus, directing the respondents to conduct survey and fix four boundaries of petitioner's lands in S.F.Nos.2/1 and 2/3 situated at Inamvelukkananthal Village, Thiruvannamalai Taluk, Thiruvannamalai District based on the petitioner's representation dated 04.08.2023.

For Petitioner

: Mr.S.Sankar

For Respondents

: Mr.E.Sundaram
Government Advocate



WEB COPY

W.P.No.25738 of



ORDER

The writ on hand has been instituted to direct the respondents to conduct survey and fix four boundaries of petitioner's lands in S.F.Nos.2/1 and 2/3 situated at Inamvelukkananthal Village, Thiruvannamalai Taluk, Thiruvannamalai District, based on the petitioner's representation dated 04.08.2023.

2. The petitioner states that he is the owner of the property in S.F.Nos.2/1 and 2/3 situated at Inamvelukkananthal Village, Thiruvannamalai Taluk and District. The subject property is a “Punjai Land” and the total extent is 1.75 acres. The petitioner himself has stated in the affidavit filed in support of this writ petition that a private person made a proposal to him to sell the property for a meager amount, but the petitioner refused to sell the property. Thus, the said persons are causing nuisance to the writ petitioner and interfering with the possession of the petitioner in the property. The petitioner has stated that he has already taken a decision to file a civil suit for the relief of permanent injunction against all those private persons on the file of the District Munsif Court, Thiruvannamalai. Since he was advised to measure the property, the present writ petition has been filed.



WEB COPY

3. The scope of the provisions of the Tamil Nadu Survey and Boundaries Act, 1923 cannot be expanded for the purpose of settling the civil dispute between the private parties. The Survey and Boundaries Act was enacted in the year 1923, i.e., 100 years back, for the purpose of the conducting survey of unsettled properties. Now, after 100 years, the survey is being conducted by the Government surveyors under the provisions of the Act only for the maintenance of the revenue records by the Government. If sub divisions are formed, necessary survey is to be conducted for the purpose of making entries in the revenue records and then alone the application submitted if any is entertainable and in respect of the disputes of civil nature, the parties are to be relegated to the competent civil court of law.

4. In the present case, the petitioner himself has stated that he is going to approach the civil court of law for the relief of injunction. That being the factum, the petitioner is at liberty to seek appropriate relief in the suit even for conducting survey or otherwise. However, the present writ petition is not entertainable. Hence, the writ petition is dismissed. No costs.

01.09.2023

nl

Index: Yes

Speaking order

Neutral citation: Yes



To

WEB COPY

1. The Tahsildar,
Taluk Office,
Keezh Pennathur Taluk,
Thiruvannamalai District.
2. The Taluk Head Surveyor,
Keezh Pennathur Taluk,
Thiruvannamalai District.

W.P.No.25738 of





WEB COPY



W.P.No.25738 of

S.M.SUBRAMANIAM, J.

nl

W.P.No.25738 of 2023

01.09.2023