



WEB COPY



W.P.No.27564 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.27564 of 2023

Mr.N.Jayaraman

... Petitioner

Vs

1.The Collector,
Tiruvannamalai District,
Tiruvannamalai.

2.The Tahsildar,
Tiruvannamalai Taluk,
Tiruvannamalai District.

3.The Head Surveyor,
Tiruvannamalai Taluk,
Tiruvannamalai District.

4.The Superintendent of Police,
Tiruvannamalai District,
Tiruvannamalai.

5.The Inspector of Police,
Kalasapakkam Police Station,
Tiruvannamalai District.

6.Mrs.K.Parimala

7.Mr.Gopi

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8.Mr.Pasupathi

9.Mr.Ilavarasan

... 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 survey the petitioner's ancestral land situated at Periya Kilambadi Village, Thiruvannamalai Taluk, Thiruvannamalai District comprised in Old Survey Nos.10/5 & 10/7 and New Survey Nos.14/3A & 14/4A measuring to an extent of Acre 1 and 74 cents with police protection of respondents 4 and 5 for surveying based on the petitioner's applications dated 08.06.2023.

For Petitioner	: Mr.Arun.G
For R1 to R3	: Mr.P.Sanjay Gandhi, Government Advocate.
For R4 and R5	: Mr.S.Vinoth Kumar, Government Advocate (Criminal Side)

ORDER

The relief sought for in the present writ petition is to direct the respondents 1 to 3 to survey the petitioner's ancestral land situated at Periya Kilambadi Village, Thiruvannamalai Taluk, Thiruvannamalai District



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comprised in Old Survey Nos.10/5 & 10/7 and New Survey Nos.14/3A & 14/4A measuring to an extent of 1 Acre and 74 cents with police protection of respondents 4 and 5 for surveying based on the petitioner's applications dated 08.06.2023.

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2. Survey under the provisions of the Tamil Nadu Survey and Boundaries Act, 1923 can be undertaken only if there is no dispute between the parties. The Government Surveyor cannot survey the land in the event of any civil dispute between the parties or during the pendency of the Civil Suit before the competent Court of Law.

3. The very purpose and object of the Tamil Nadu Survey and Boundaries Act, 1923 is to settle the unsettled boundaries and therefore, the Act cannot be utilised for the purpose of resolving the Civil disputes between the parties under the Act. It has to be utilised only for the purpose of maintenance of Revenue Records by the Government and in the event of any disputes between the parties they are relegated to approach the competent Civil Court of law for the purpose of resolving the issues. Even before the Civil Court of law such survey can be conducted by filing an appropriate application.



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4. That being the principles to be followed in the present case, the learned Government Advocate appearing on behalf of the respondents 1 to 3 and the learned Government Advocate(Criminal Side) appearing on behalf of the Police Department brought to the notice of this Court that criminal cases have been registered on account of the dispute between the parties regarding the boundary and therefore, those parties are also impleaded in the present writ petition. Thus, the dispute exists visibly in the present case.

5. In view of the facts and circumstances, the petitioner is at liberty to approach the competent Civil Court of law in the manner contemplated.

6. With these observations, the writ petition stands dismissed. No costs.

21.09.2023

veda/jeni

Index : Yes

Speaking order

Neutral Citation : Yes



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S.M.SUBRAMANIAM, J.

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