



WEB COPY

W.P.No.26460 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.26460 of 2023

V.Anbu

...Petitioner

Vs

The Tashildar,
Taluk Office,
Cuddalore Taluk & District.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondent to depute a competent surveyor to make survey to the petitioner's land in survey No.214 which is situated at North Street, Ayyampettai, Puchimedu Post, Cuddalore Taluk & District.

For Petitioner : Ms.Manikuyil
for Mr.P.Vijendran

For Respondent : Mr.D.Ravichander,
Special Government Pleader

**ORDER**

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The relief sought for in the present writ petition is to direct the respondent to depute a competent Surveyor to conduct survey in the petitioner's land in Survey No.214 situated at North Street, Ayyampettai, Puchimedu Post, Cuddalore Taluk and District.

2. The petitioner states that he is the great grand son of Perambalam Pillai. The land was purchased by the great grand father of the petitioner. The petitioner contends that he inherited the property from his great grand father, grand father and his father. The petitioner submitted an application to survey the land under the provisions of the Tamil Nadu Survey and Boundaries Act, 1923. The authorities, while scrutinising the application, found that the petitioner has failed to produce any documents to establish his ownership. Though the petitioner states that the subject property is their ancestral property, the petitioner has not even produced the death certificate and legal heir certificate of his great grand father, grand father or father.

3. The legal heir certificate is also to be produced for the purpose of verification by the authorities. It is not as if on submission of an application,



the authorities shall conduct survey under the provisions of the Tamil Nadu Survey and Boundaries Act. The said Act was enacted in the year 1923, which is 100 years back, for the purpose of settling the unsettled boundaries. Now the Act is utilised for the limited extent of maintaining revenue records by the Government in the event of any subdivision or otherwise. The Act cannot be utilised for the purpose of resolving the private dispute between the parties or for the purpose of claiming title or ownership. In the event of any doubt or dispute, the parties are to be relegated to approach the competent Civil Court of law.

4. The learned Special Government Pleader appearing on behalf of the respondent submitted a copy of the written instructions given by the Tahsildar, wherein it is stated that the petitioner has not produced any document including the legal heir certificate or the death certificate of his ancestors from whom the petitioner inherited the property. Since there is an ambiguity, the authorities could not be able to consider the application.

5. Thus, the petitioner is at liberty to submit all relevant records for the purpose of considering his application. In the event of submitting the records,



the respondent is directed to verify the genuinity and ascertain the facts and circumstances and thereafter initiate action by following the procedures.

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6. With these clarifications, the Writ Petition stands disposed of. No costs.

11.09.2023

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

To

The Tashildar,
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S.M.SUBRAMANIAM, J.

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