



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.26835 of 2023

Manogaran

... Petitioner

Vs.

- 1.The District Collector,
Dharmapuri District.
- 2.The District Revenue Officer,
Dharmapuri District.
- 3.The Tahsildar,
Nallampalli Taluk,
Dharmapuri District.
- 4.The Village Administrative Officer,
Palavadi Village,
Nallampalli Taluk,
Dharmapuri District.
- 5.The Inspector of Police,
Papparapatti Police Station,
Dharmapuri District.
- 6.Chinnaraj
- 7.Murugesan
- 8.Govindan

... Respondents



Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd respondent to dispose of my online Application No.20230211002124, dated 11.02.2023 dated 11.02.2023, to survey and mark the boundaries for fencing of my lands in Survey No.24/3, 25/1A and 27/4F situated at Palavadi Village, Nallampalli Taluk, Dharmapuri District and also directing the 5th respondent to give adequate police protection, while at the time of measuring the land, within a stipulated time.

For Petitioner	: M/s.E.Udayasankari
For R1 to R4	: Mr.E.Sundaram, Government Advocate
For R5	: Mr.S.Vinothkumar, Government Advocate (Crl.Side)

ORDER

This writ petition has been filed seeking direction to 3rd respondent to dispose of the online application.

2. It is not in dispute that a Civil suit was instituted in O.S.No.259 of 1996 between the writ petitioner and the respondents 2 to 8. The learned Counsel for the petitioner made a submission that the Suit was disposed of and thus, there is no impediment for the authorities to conduct the survey of



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property. However, the respondents 6 to 8 raised an objection for conducting survey. In the event of any objection from the neighboring land owner or by any other person in respect of an immovable property, the Government Surveyor may not be in a position to conduct the survey under the provisions of the Survey and Boundaries Act, 1923.

3. The provisions of the Survey and Boundaries Act, 1923 cannot be expanded for the purpose of resolving the Civil disputes between the parties when there is an objection, the Government Surveyors are not expected to enter into the objectionable land and conduct survey. The parties are to be relegated to approach the competent Civil Court of Law for the purpose of resolving the issues . If at all survey is to be conducted, it is to be conducted only through the competent Civil Court of law and not by submitting an application under the Survey and Boundaries Act. The very purpose of the Act is to maintain revenue records by the Government and not to survey the private lands and resolve the private disputes between the parties. This being the principles to be followed, the petitioner is at liberty to approach the Civil Court of Law.



4. Accordingly, the Writ Petition stands dismissed. No costs.

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Index : Yes

Speaking order

To

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- 5.The Inspector of Police,
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S.M.SUBRAMANIAM, J.

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