



WEB COPY

WP No.26945 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19-09-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.26945 of 2023

And

WMP No.26377 of 2023

Mr.P.Selvam

... Petitioner

Vs.

- 1.The District Collector,
Dharmapuri District,
Dharmapuri.
- 2.The Tahsildar,
Nallampalli Taluk Office,
Nallampalli Taluk,
Dharmapuri District,
Pincode-636 807.
- 3.The Head Surveyor,
Nallampalli Taluk Office,
Nallampalli Taluk,
Dharmapuri District,
Pincode-636 807.



4.The Village Administrative Officer,
Sivadi Revenue Village,
Nallampalli Taluk,
Dharmapuri District,
Pincode-636 807.

5.The Inspector of Police,
Thoppur Police Station,
Nallampalli Taluk,
Dharmapuri District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the second respondent herein to survey and measure the property in Survey Number 377 and 401, in Patta Number 2633, Sivadi Village, Nallampalli Taluk, Dharmapuri District as per the petitioner's Survey Application Number 1688/2023 dated 13.07.2023.

For Petitioner : Mr.C.Palanisamy

For Respondents-1 to 4 : Mr.E.Sundaram,
Government Advocate.

For Respondent-5 : Mr.S.Vinothkumar,
Government Advocate (Criminal
Side)



WEB COPY

WP No.26945 of 2



ORDER

The relief sought for in the present writ petition is to direct the second respondent herein to survey and measure the property in Survey Number 377 and 401, in Patta Number 2633, Sivadi Village, Nallampalli Taluk, Dharmapuri District as per the petitioner's Survey Application Number 1688/2023 dated 13.07.2023.

2. The petitioner submitted an application under the provisions of Survey and Boundaries Act to survey the land belonging to him.

3. The learned Government Advocate (Criminal Side), appearing on behalf of the fifth respondent, made a submission that there is a dispute existing between the petitioner and the neighbouring owners, namely, Mr.Madhaiyan and Mr.Aadhi. Such civil dispute between the parties cannot be resolved by conducting survey under the provisions of the Survey and Boundaries Act.



4. The Survey and Boundaries Act was enacted in the year 1923, 100 years back for the purpose of settling boundaries. Now the Act is brushed into service only for the purpose of maintenance of revenue records and in the event of any sub-division or otherwise. Therefore, the private parties by conducting survey cannot resolve the civil dispute existing between the parties. In such circumstances, the parties are to be relegated to approach the Competent Civil Court of Law.

5. In the present case, the learned Government Advocate (Criminal Side), appearing on behalf of the fifth respondent, based on the instructions given by the Inspector of Police-fifth respondent, made a submission that there is boundary dispute existing between the petitioner and the neighbouring owners, namely, Mr.Madhaiyan and Mr.Aadhi.

6. That being the factum, the petitioner is at liberty to approach the Competent Civil Court of Law for the purpose of resolving the issues.



7. With the above liberty, the present writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also dismissed.

19-09-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn



To

- 1.The District Collector,
Dharmapuri District,
Dharmapuri.
- 2.The Tahsildar,
Nallampalli Taluk Office,
Nallampalli Taluk,
Dharmapuri District,
Pincode-636 807.
- 3.The Head Surveyor,
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Sivadi Revenue Village,
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- 5.The Inspector of Police,
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S.M.SUBRAMANIAM, J.

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