



WEB COPY



W.P.No.1443 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.1443 of 2023 &
W.M.P.Nos.1533 & 1532 of 2023

K.Annamalai

...Petitioner

Vs.

1.The Commissioner,
Commissioner of Land Administration,
Chepauk, Chennai – 5.

2.The Revenue Divisional Officer,
Collectorate Office,
Kallakurichi District.

3.The Tahsildar,
Taluk Office, Sangarapuram.

4.S.Annamalai

5.S.Selvi

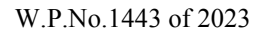
6.Selvamani

7.Prabhu

..Respondents

(R5 to R7 impleaded vide order dated
24.03.2023 made in W.M.P.No.5622 of
2023)

Prayer : Writ Petition filed Under Article 226 of the Constitution of India,
to issue a Writ of Certiorarified Mandamus calling for the records of first



For Petitioner	: Mr.K.Sathyabai
For Respondents 1 to 3	: Mr.C.Jayaprakash, Government Advocate
For Respondents 5 & 7	: Ms.A.Mary of Magthelen
For Respondent 6	: Not ready in notice

The order impugned passed by the Revenue Divisional Officer, Kallakurichi in proceedings dated 22.03.2022 reveals that the petitioner filed an application seeking correction in the UDR register in respect of the subject properties belonging to the petitioner.

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3. The learned counsel for the petitioner states that there is no dispute in respect of the property belonging to the petitioner. However, the petitioner filed an application seeking correction in the UDR patta. The respondents 4 to 7/ private parties are also claiming certain right over the subject properties. Since the dispute is visible, the authorities competent relegated the petitioner to approach the civil court of law for the purpose of resolving their issues. The order passed by the Revenue Divisional Officer has been taken by way of an appeal before the Commissioner of Land Administration. The Commissioner also confirmed the order and granted liberty to the petitioner to approach the civil court. The commissioner also made an observation that the issue pertains to a dispute over the title of the private property.

4. The provisions of the Survey and Boundaries Act cannot be pressed into service for the purpose of resolving the private dispute in respect of the private properties. The Act was enacted in the year 1923 and it is a pre-independence Act, enacted for the purpose of settling the lands and its boundaries. Now the Act has been utilised for the purpose of



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maintenance of revenue records and therefore, the application submitted by any person to be considered with reference to the scope of the Act. In the event of any civil dispute between the parties relating to title, boundaries etc., then the parties are to be relegated to approach the competent civil court of law. In event of any objection by any party, the Government Surveyor may not be in a position to survey the land and fix the boundaries. The Surveyor cannot exercise power beyond the scope of the Act or reserve the powers of the civil court for compulsory survey or others.

5. In view of the facts and circumstances, the petitioner is at liberty to approach the civil court of law for the purpose of redressing his grievance,

6. With this liberty, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

03.08.2023

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Index: Yes

Speaking Order

Neutral Citation: Yes

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S.M.SUBRAMANIAM, J.

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