



W.P.No.33243 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.33243 of 2022

1.S.Shanmugam
2.S.Palanisamy
3.S.Arunachalam

...Petitioners

Vs.

- 1.The Tahsildar,
Uthangarai Taluk,
Krishnagiri District – 635 207.
- 2.The Head Surveyor,
Uthangarai Taluk,
Krishnagiri District – 635 207.
- 3.The Firka Surveyor,
Uthangarai Taluk,
Krishnagiri District – 635 207.
- 4.The Village Administrative Officer,
Kallukkanur Village,
Uthangarai Taluk,
Krishnagiri District – 635 207.
- 5.The Inspector of Police,
Uthangarai Police Station,
Uthangarai Taluk,
Krishnagiri District – 635 207.



W.P.No.33243 of 2022

6.M.Madesh
7.U.M.Rajee
8.R.Rajavel
9.Muthusamy
10.Shankar

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the entire records pertains to the impugned order date 21.10.2022 passed by the first respondent vide O.Mu.F.L/283/2022/C2, quash the same and consequently, direct the respondents 1 to 4 to carry out the survey work and lay survey stones for Survey Nos.4/4A, 4/4C & 2/5 at Kallukkanur Village, Uthangarai Taluk, Krishnagiri District with the police protection of the fifth respondent herein.

For Petitioners : Mr.J.Ramakrishnan

For Respondents 1 to 5: Mr.P.Sanjay Gandhi
Additional Government Pleader

For Respondents 9 & 10: No appearance

For Respondents 6 to 8 - Not ready in notice

ORDER

The memo issued by the Tahsildar, Uthangarai dated 21.10.2022 is sought to be quashed in the present writ petition.



W.P.No.33243 of 2022

2. The petitioners state that there is a doubt in respect of the boundaries in the public road and in order to resolve the issues, the petitioners submitted an application to conduct survey, under the provisions of Survey and Boundaries Act.

3. The Tahsildar issued the impugned memo stating that the joint pattadhars of the subject property belonging to the petitioner, raised an objection for receiving the summons for the purpose of conducting survey. Without the consent of the pattadhars, the Government Surveyor cannot conduct survey which would be in violation of the provisions of the Survey and Boundaries Act.

4. The Survey and Boundaries Act is of the year 1924 which is a pre-independent enactment. The purpose of the Act cannot now be utilised by the citizens for the purpose of settling the internal dispute. The surveyors are incompetent to conduct survey in the event of any dispute between the parties regarding boundaries. In such circumstances, the parties are relegated to approach the competent civil court of law and through civil court, the parties can conduct survey or to fix the boundaries. Mere



W.P.No.33243 of 2022

objection would be sufficient for the purpose of rejecting the application submitted by any party to conduct survey of any property.

5. In the present case, the joint pattadhars themselves have raised an objection on the application submitted by the writ petitioners to conduct survey and thus, this Court do not find any infirmity in respect of the rejection of the application filed by the writ petitioners.

6. The Disputed facts raised by the writ petitioners in the present writ petition cannot be adjudicated nor High Court cannot conduct roving enquiry into the facts and circumstances prevailing in the immovable property. It is for the petitioners to workout their remedy in the manner known to law before the competent civil court of law.

7. Accordingly, this writ petition stands dismissed. No costs.

14.07.2023

nl

Index : Yes

Speaking order



W.P.No.33243 of 2022

WEB COPY

- To
- 1.The Tahsildar,
Uthangarai Taluk,
Krishnagiri District – 635 207.
 - 2.The Head Surveyor,
Uthangarai Taluk,
Krishnagiri District – 635 207.
 - 3.The Firka Surveyor,
Uthangarai Taluk,
Krishnagiri District – 635 207.
 - 4.The Village Administrative Officer,
Kallukkanur Village,
Uthangarai Taluk,
Krishnagiri District – 635 207.
 - 5.The Inspector of Police,
Uthangarai Police Station,
Uthangarai Taluk,
Krishnagiri District – 635 207.



WEB COPY



W.P.No.33243 of 2022

S.M.SUBRAMANIAM, J.

nl

W.P.No.33243 of 2022

14.07.2023