



W.P.No.33272 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.33272 of 2018
and W.M.P.No.38606 of 2018

S.Thirumoorthy

...Petitioner

Vs.

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Tiruvannamalai,
Tiruvannamalai District.

2.The Tahsildar,
Taluk Office,
Tiruvannamalai,
Tiruvannamalai District.

3.Raja Manickkam

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first and second respondents not to survey the petitioner's cultivating land in survey No.113/3C to the extent of 0.25 cents situated at Kadagaman Village in Tiruvannamalai Taluk and District in order to make way for the third respondent to illegally occupy his cultivating land by encroachment where



the third respondent does not have any locus standi.

For Petitioner	:	Mr.K.L.Sekar
For R1 & R2	:	Mr.T.Arunkumar Additional Government Pleader
For R3	:	No appearance

ORDER

The relief sought for in the present writ petition is to direct the respondents 1 and 2 not to survey the petitioner's cultivating land in survey No.113/3C to the extent of 0.25 cents situated at Kadagaman Village in Tiruvannamalai Taluk and District.

2.Conducting survey under the provisions of the Survey and Boundaries Act is to be undertaken by following the procedures as contemplated under the Act. The petitioner cannot seek any such negative prayer against the respondents not to conduct survey and if at all any boundary dispute exist, the petitioner has to approach the competent civil court of law in the manner known to law. The representation submitted by the petitioner reveals that dispute exist between the petitioner and the third



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respondent. In such circumstances, the authorities cannot conduct survey by invoking the provisions of the Survey and Boundaries Act. It is for the respective parties to approach the civil court of law for the purpose of resolving the issues or to settle the boundaries based on the documents and evidences available on record.

3. With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

07.09.2023

cse

Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-speaking order



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S.M.SUBRAMANIAM, J.

cse

To

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Tiruvannamalai,
Tiruvannamalai District.

2.The Tahsildar,
Taluk Office,
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