



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.15334 of 2018

K. Thavamani

... Petitioner

Vs.

1. The Secretary to Government,
Revenue Department, Fort St. George,
Chennai – 600 009.
 2. The Commissioner,
Revenue Administration Department,
Ezhilagam, Chepauk, Chennai – 600 005.
 3. The Commissioner,
Vigilance and Anti-Corruption,
Greenways Road, Adayar, Chennai – 600 028.
 4. The District Collector,
The Nilgris District, Ooty.
 5. The Revenue Divisional Officer,
Coonnoor, The Nilgris District.
 6. Dhanabakkiyam
- ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to consider and pass orders on merits by disposing the written representation made by the



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petitioner on 09.05.2018 within a stipulated time fixed by this Hon'ble Court.

For Petitioner : M/s. C.Prakasam

For R1 to R5 : Mr. G.Ameedius,
Government Advocate

ORDER

The Writ of Mandamus has been instituted to direct the second respondent to consider and pass orders on merits by disposing the written representation made by the petitioner on 09.05.2018 within a stipulated time.

2. The petitioner states that he purchased the house site along with an old house to an extent of 20 cents situated at Old S.No.1014/6, New S.No.965/4 and 977/10, Kothagiri Village, Nilgris District vie sale deed registered in Document No.2601/2015.

3. Admittedly, there is no boundary dispute exist between the petitioner and his neighbours. The learned counsel for the petitioner mainly contended that the application submitted by the writ petitioner to the Tashildar to conduct survey and fix the boundaries was not considered and



therefore, the present Writ Petition is filed.

4. Beyond that, the petitioner has also obtained a Civil Court Decree, which is in force and therefore, the Tahsildar ought to have entertained the application and conduct survey to ascertain the boundaries with reference to the documents presented by the petitioner for verification.

5. Applications for conducting survey are being submitted before the jurisdictional Tahsildars under the provisions of the Tamil Nadu Survey and Boundaries Act, 1923 (hereinafter referred to as 'the Act' for short). The Act is a pre-independence enactment made for the purpose of settling the boundary disputes. Now, after a lapse of 100 years, the Act cannot be utilized or pressed into service for the purpose of resolving civil disputes / boundary disputes between the parties. The Tahsildar / Revenue Authorities have no jurisdiction or powers to adjudicate the boundary disputes or determine the same with reference to the documents filed by the parties. In the event of any such dispute, the parties are to be relegated to approach the competent Civil Court of law for the purpose of resolving the same.



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6. In the present case, the petitioner has already approached the competent Civil Court of law and had obtained a Decree. That being so, the petitioner has to approach the Court concerned for executing the Decree and not by way of filing an application under the provisions of the Act, which is now being in force only for the purpose of maintenance of revenue records and not to resolve the boundary disputes between the private parties.

7. Most of these applications are filed under Chapter II of the Act. Chapter II is inapplicable in respect of the estate lands and it is applicable only in respect of the survey of Government lands. Therefore, the lands falling under Chapter III, i.e., survey of estates alone can be made by the competent authorities by invoking Sections 5 to 16 of the Act, the revenue authorities have no jurisdiction to conduct survey of the estate lands, so as to fix the boundaries or to resolve the disputes. The scope of the Act cannot be expanded nor be misunderstood so as to survey the estate lands or to resolve the boundary dispute between the private parties.

8. In the present case, admittedly dispute exist between the petitioner and his neighbours. That being so, the petitioner has to workout his



remedies in the manner known to law and the Tahsildar cannot interfere in such disputes of civil nature nor settle the boundary dispute between the petitioner and his neighbours.

9. With these observations, this Writ Petition stands dismissed.

No costs.

03.01.2024

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Index : Yes

Speaking order

Neutral Citation : Yes

To

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S.M.SUBRAMANIAM, J.

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