



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.08.2021

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.14784 of 2021

Dr.Jacquiline Jose,
Superintendent,
The Leprosy Mission Hospital,
Dayapuram, Manamadurai,
Sivagangai District.

... Petitioner

Vs.

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The District Revenue Officer,
Having office at Collectorate,
Sivagangai,
Sivagangai District.
- 3.The Thasildar,
Manamadurai Taluk,
Sivagangai District.
- 4.The Taluk Surveyor,
Having office at Taluk Office,
Manamadurai,
Sivagangai District.

... Respondents

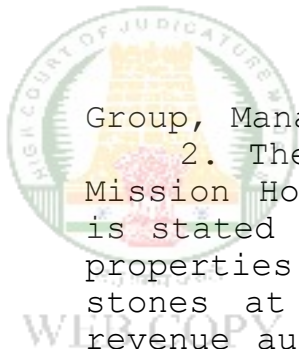
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 to instruct 4th respondent to survey and fix stones at the boundaries of the petitioner's properties in Patta No.436 Survey Numbers 135, 137, 138 and 140/1 at Kalkurichi Village, Seikalathur Group, Manamadurai Taluk, Sivagangai District, by considering the fee chalan dated 14.06.2021.

For Petitioner : Mr.M.Solaisamy

For Respondents : Mr.P.Subburaj,
Counsel for State,

ORDER

The petitioner seeks a survey of the properties bearing Survey Nos.135, 137, 138 and 140/1 at Kalkurichi Village, Seikalathur
<https://hcservices.ecourts.gov.in/hcservices/>



Group, Manamadurai Taluk, Sivagangai District.

2. The petitioner herein is the Superintendent of the Leprosy Mission Hospital, Dayapuram, Manamadurai, Sivagangai District. It is stated that the revenue authorities assigned patta No.436 to the properties described above. In order to carry out a survey and fix stones at the boundaries thereof, the petitioner approached the revenue authorities initially in the year 2017 and, once again, on 14.06.2021. On account of the fact that some of the villagers raised objections in this connection, a peace committee meeting was held on 06.08.2021. Pursuant thereto, a communication dated 06.08.2021 was issued. By such communication, it was recorded that the petitioner has a valid patta in respect of all the aforesaid survey numbers. The present writ petition is filed seeking a survey in such facts and circumstances.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the petitioner's request for survey may be considered and disposed of on merits within a reasonable time frame.

4. The petitioner has enclosed patta No.436. The said patta indicates the name of the Dhayapuram Hospital, represented by its Superintendent. The patta is in respect of Survey Nos.140/1, 140/2, 139/1, 135/1, 137/1, 137/3, 138/1 and 138/3. In addition, the petitioner has relied upon the outcome of the peace committee meeting. Although a peace committee does not have any statutory basis, in this case, it may be noticed that the results of such peace committee meeting have been recorded and signed by all concerned including the Thasildar.

5. In the above facts and circumstances, the petitioner has made out a case to direct the conduct of a survey in respect of the properties of the hospital.

6. Accordingly, the third and fourth respondents herein are directed to undertake the survey and fix the boundary stones in respect of survey Nos.135, 137, 138 and 140/1. Such exercise shall be undertaken after putting all affected parties on notice, including the owners of adjoining properties who may be affected by the fixation of boundaries, and concluded within a period of three months from the date of receipt of a copy of this order.

7. W.P.(MD).No.14784 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Sbn

<https://hcservices.ecourts.gov.in/hcservices/>



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The District Revenue Officer,
Having office at Collectorate,
Sivagangai,
Sivagangai District.
- 3.The Thasildar,
Manamadurai Taluk,
Sivagangai District.
- 4.The Taluk Surveyor,
Having office at Taluk Office,
Manamadurai,
Sivagangai District.

+1 CC to M/s.M.SOLAISAMY, Advocate (SR-26836[F]
dated 19/08/2021)

+1 CC to M/s.GP (SR-26923[F] dated 23/08/2021)

W.P (MD) No.14784 of 2021
19.08.2021

MGJ(01.09.2021) 3P 7C