



WMP.No.4440 of 2023 in WP.No.25886 of 2022

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in
W.P.No.25886 of 2022**

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V. SIVAGNANAM, J.

This petition is filed by the petitioners to recall the order passed by this Court in W.P.No.25886 of 2022 on 27.09.2022 and give the petitioner an opportunity to make his submissions on merit.

2. The learned counsel for the petitioners submitted that the 1st respondent has filed W.P.No.25886 of 2022 before this Court seeking to provide adequate police protection while surveying his property and also for fencing his property based on his representation dated 22.08.2022. The petitioners herein were arrayed as 6th and 7th respondents in the said writ petition. In the affidavit filed in W.P.No.25886 of 2022, the 1st respondent herein has made some allegations against the petitioners herein that they have illegally encroached some portion of his property and while surveying the 1st respondent's property, the petitioners along with their henchmen forcefully restrained the concerned Tahsildar and Taluk Head Surveyor from surveying the property. Under these circumstances, this court, without issuing notice to the petitioners, has passed the impugned order on



27.09.2022 directing the 2nd and 3rd respondents therein to consider the petitioner's representation dated 22.08.2022 on merits and in accordance with law and provide adequate police protection while surveying the petitioner's property within a period of four weeks therefrom. Thus, he prayed for recalling the order made in W.P.No.25886 of 2022 on 27.09.2022.

3. When the matter is taken up for hearing, the learned counsel for the respondents submitted that in pursuance of the order passed in W.P.No.25886 of 2022, dated 27.09.2022, the surveyor concerned, after issuing notice to both parties, surveyed the land on 27.12.2022 and the direction of this court made in W.P.No.25886 of 2022 is complied with.

4. Heard Dr. A.Thiyagarajan, learned Senior counsel appearing for Mr.S.Ramesh Kumar, and Mr.M.R.Jothimanian, learned counsel appearing for the 1st respondent and Mr.C.E.Pratap, learned Govt. Advocate (crl.side) appearing for the respondents 2 to 6 and perused the materials available on record.

5. On perusal of records, the fact reveals that one Paramanantham, the 1st respondent herein has filed W.P.No.25886 of 2022 seeking a direction to the respondents 2 and 3 herein to provide police protection for surveying



his property situate at S.No.3142, measuring 3343 sq.ft., Purasawalkam Village, Purasawalkam Taluk, Chennai and for fencing his property based on his representation dated 22.08.2022.

6. In the said writ petition, upon hearing both sides, this court, by an order dated 27.09.2022, directed the second and 3rd respondents therein, to consider the representation of the 1st respondent, dated 22.08.2022 on merits and in accordance with law and provide adequate police protection while surveying his property within a period of four weeks from the date of receipt of a copy of the order therefrom.

7. In pursuance of the said order, the Tahsildar concerned has measured the abovesaid property of the 1st respondent on 27.12.2022. According to the petitioners, the impugned order has been passed without hearing the petitioners. In the impugned order, this court has only issued a direction to the 2nd and 3rd respondents to consider the representation of the 1st respondent on merits and in accordance with law and to provide police protection while surveying his land. This court is of the view that in the above writ petition, as contended by the learned counsel for the petitioners, no adverse order has been passed against the petitioners without hearing them. In such view of the matter, I find no merits in this petition, as such,



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no need to recall the order passed by this court in W.P.No.25886 of 2022.

Therefore, this petition is dismissed.

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