



W.A.No.1343 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.A.No.1343 of 2023

1. S.V.S.Senthil Kumar
2. S.V.S.Velkumar

.. Appellants

Vs.

1. K.Baskaran
2. V.R.Jayasingh
3. The District Collector
Chennai District
Chennai.
4. The Tahsildar
Tondiarpet Taluk
Tondiarpet
Chennai.

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 02.08.2022 made in W.P.No.19577 of 2022.



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For the Appellants : Mr.V.Selvaraj
For Mr.D.Jayasingh

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for Respondents 3 & 4

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.V.Selvaraj, learned counsel appearing on behalf of Mr.D.Jayasingh, learned counsel for the appellants and Mr.P.Muthukumar, learned State Government Pleader for the respondents 3 and 4.

2. The present appeal is filed against the order dated 02.08.2022 passed by the learned Single Judge.

3. According to learned counsel for the appellants, without issuing notice to the present appellants, the order has been passed by the learned Single Judge disposing the writ petition. The same is prejudicial to the interests of the appellants.

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4. We have perused the order passed by the learned Single Judge. The learned Single Judge has not decided the matter on merits. The only relief that the original writ petitioners claimed is that the second respondent therein (Tahsildar) should measure and fix boundaries as per the direction issued by the first respondent therein under order dated 12.05.2022 within a time frame to be fixed by that Court. The learned Single Judge has, in paragraph 6, observed as under:

"6. In view of the aforesaid submissions, this Court, without expressing any opinion on the merits of the case, directs the second respondent to pass orders as per the direction issued by the first respondent dated 12.05.2022 on merits and in accordance with law, after affording an opportunity of hearing to the petitioners as well as the private respondents herein, within a period of twelve weeks from the date of receipt of a copy of this order."

5. The aforesaid observation of the learned Single Judge itself makes it clear that the Court has not expressed any opinion on the



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merits of the case and it has directed the second respondent to pass orders as per the directions issued by the first respondent dated 12.05.2022 after affording the opportunity of hearing to the petitioners as well as the private respondents therein.

6. As no order on merits has been passed by the learned Single Judge, no question arises of using the said order in any proceedings. The learned Single Judge only directed to decide the matter on merits, after hearing the writ petitioners as well as the present appellants.

7. In view of that, the writ appeal is disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)
04.07.2023

Index : Yes/No
Neutral Citation : Yes/No

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To

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Chennai.
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THE HON'BLE CHIEF JUSTICE
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