



W.M.P. No.31077 of 2022
in
W.P. No.28179 of 2022

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W.P. No.28179 of 2022

M.DHANDAPANI, J.

This miscellaneous petition is filed to recall the order dated 26.10.2022.

2. When the matter was posted for hearing on 26.10.2022, this Court recorded the submissions in paragraph No.2 of the order, stating that Civil suits in O.S. No.198 of 2009 on the file of the District Munsif Court, Tambaram and O.S. No.294 of 2015 on the file of the Principal District Court, Chengalpet are pending and therefore, the said W.P. was closed.

3. In the above backdrop the above recall petition is filed. On going the averments contained in the affidavit filed in support of W.M.P. No.31077 of 2022 filed by the petitioner / 3rd respondent in W.P. No.28179 of 2022, it reveals that O.S. No.34 of 2007 has been filed by the adjacent landowners against the petitioners in main writ petition. Subsequently, the said suit was decreed and the suit filed by the petitioners was dismissed on 31.03.2010. Aggrieved over the same, the petitioners have filed A.S. No.29 of 2010, which was dismissed on 17.11.2017 and subsequently filed Second Appeal in S.A. No.372 of 2018 and thus, the decree in O.S. No.34 of 2007 has attained finality.



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It is further averred that yet another suit has been filed by one of the petitioners with their relatives for relief of declaration.

4. But the aforesaid facts were not placed before this Court, while order was passed on 26.10.2022. The said fact is not disputed by the learned counsel for the petitioner in the main writ petition.

5. In view of the aforesaid submissions, the order of this Court in W.P. No.28179 of 2022, dated 26.10.2022 is hereby re-called.

6. Registry is directed to list the matter in the usual course before the appropriate Court.

16.03.2023

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