



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

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Wednesday, the Second day of August Two Thousand
and Twenty Three

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR

AND

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

WMP(MD)No.12726 of 2019

in

WP(MD)No.5944 of 2013

B.Raja

... Petitioner/Petitioner

Vs

1.The Secretary to the Government,
Public Works Department,
Fort.St.George
Chennai.

2.The District Collector,
Sivagangai District.

3.The Assistant Commissioner,
Department of Land Administration,
Chepauk, Chennai.

4.The District Revenue Officer,
Sivagangai District.

5.The Revenue Divisional Officer,
Sivagangai District.

6.Jalavudheen

... Respondents



Prayer in WMP(MD)No.12726 of 2019 :- Writ Miscellaneous Petition filed under Article 226 of the Constitution of India, to restore the order of dismissal for non-prosecution dated 08.09.2015 in WP(MD)No.5944 of 2013.

Prayer in WP(MD)No.5944 of 2013 :- Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the 5th respondent order in Dis.22955/79 dated 13.09.1979 and quash the same as illegal and consequently direct the respondent No.1 to 5 to alter the revenue records in Survey No.1/1 to 1/6 as Vaigai River in Nelmudikkarai Village, Thiruppuvanam Taluk, Sivagangai District.

ORDER:- This Writ Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.C.M.Arumugam, Advocate for the Petitioner and of Mr.P.Thilak Kumar, Government Pleader for the Respondents, this Court made the following order:-

(Order of the Court was made by S.S.SUNDAR, J.)

The prayer in the present petition is not properly worded. Instead of asking for setting aside the order of dismissal dated 08.09.2015, the prayer is to restore the order of dismissal for non prosecution dated 08.09.2015. However, having regard to the averments made in the affidavit, this Court finds that the prayer is to restore the writ



petition by setting aside the dismissal of the writ petition for non prosecution.

Therefore, the inadvertent mistake is pardoned. This Court is convinced with the reasons stated in the supporting affidavit for the petitioner's non appearance on the date when the writ petition was dismissed for non prosecution.

2. Hence, this petition is ordered and the order dated 08.09.2015 is set aside and the writ petition is restored to file.

3. List the writ petition next week.

Sd/-

Assistant Registrar(CS II)

// True Copy //

/08/2023

Sub Assistant Registrar(CS)

TO

- 1.The Secretary to the Government,
Public Works Department,
Fort.St.George Chennai.
- 2.The District Collector,
Sivagangai District.
- 3.The Assistant Commissioner,
Department of Land Administration,
Chepauk, Chennai.
- 4.The District Revenue Officer,
Sivagangai District.
- 5.The Revenue Divisional Officer,
Sivagangai District.

Copy to:

The Section Officer,
Judicial Section,

Madurai Bench of Madras High Court,
Madurai.



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Hon`ble Mr.Justice

S.S.SUNDAR

AND

Hon`ble Mr.Justice

D.BHARATHA CHAKRAVARTHY

ORDER DATED : 02/08/2023

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ORDER

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WMP(MD)No.12726 of 2019

in

WP(MD)No.5944 of 2013

Giving direction and etc.

as stated within.

MGJ(10.08.2023) 4P 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17.07.2023