



WMP(MD) No.21003 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2023

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

WMP(MD) No.21003 of 2023  
in  
REV.APLW(MD)SR.No.75330 of 2023

P.Vellaichamy

... Petitioner

Vs

1.Abdul Raja Mohammed  
2.The Tahsildar,  
Melur Taluk,  
Madurai District.

3.The Head Surveyor,  
Taluk Office Campus,  
Melur,  
Madurai District.

...Respondents

**PRAYER in W.M.P.(MD) No.21003 of 2023:** Writ Miscellaneous  
Petition filed under Article 226 of the Constitution of India to grant  
leave to file the above review against the order in W.P.(MD)No.  
18502 of 2023, dated 31.07.2023.



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**PRAYER in REV.APLW.SR.75330 of 2023:** Review Application – filed under Order 41 Rule 1 & 2 of Civil Procedure Code r/w Section 114 of Civil Procedure Code, to review the order passed by this Court in W.P.(MD)No.18502 of 2023, dated 31.07.2023.

For Petitioner : Mr.G.Prabhu Rajadurai  
For R2 & R3 : Mr.P.T.Thiraviam  
Government Advocate

### **ORDER**

This Miscellaneous Petition is filed seeking leave of this Court to file a Review application against the order passed by this Court in W.P.(MD)No.18502 of 2023, dated 31.07.2023.

2.The petitioner claims that he is a cultivating tenant in the land in S.Nos.181/11A to an extent of 86 cents, Vanji Nagaram Village, Karungalakudi, Melur Taluk, Madurai District. The first respondent has filed the above writ petition in WP(MD) No.18502 of 2023 for a Mandamus directing the respondents to survey his land in S.No.181/11A, Vanji Nagaram Village, Karungalakudi, Melur Taluk, Madurai District by considering his application dated 05.06.2023. When the writ petition was taken up for hearing, the



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learned Government Advocate submitted that this petitioner has raised objection before the survey officer at the time of survey. His objection was duly considered under Section 10 of the Tamil Nadu Survey and Boundaries Act, 1923 and an order was also passed rejecting his request and survey was also completed. If this petitioner is aggrieved over the order passed by the Survey officer, he is having an appeal remedy before the appellate authority under Section 11 of the Tamil Nadu Survey and Boundaries Act, 1923. However, this petitioner without invoking the appeal remedy has filed this Miscellaneous Petition seeking leave of this Court to file a review application.

3.In view of the above, this Miscellaneous Petition is dismissed. Consequently, the Review Application is also dismissed at the SR stage itself.

**07.11.2023**

NCC :Yes/No  
Index :Yes/No  
Internet:Yes  
vrn



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**B.PUGALENDHI, J.**

vrn

To

- 1.The Tahsildar,  
Melur Taluk,  
Madurai District.
- 2.The Head Surveyor,  
Taluk Office Campus,  
Melur,  
Madurai District.

**Order made in**  
**WMP(MD) No.21003 of 2023**  
**in**  
**REV.APLW(MD)SR.No.75330 of 2023**

**07.11.2023**