



W.M.P.(MD)No.22600 of 2023
in REV.APLW(MD)SR No.80994 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.M.P.(MD)No.22600 of 2023
in
REV.APLW(MD)SR No.80994 of 2023

W.M.P.(MD)No.22600 of 2023

K.Sivamani

... Petitioner

versus

1. K.Subashini

2. The Tahsildar,
Bodinayakkanur,
Theni District.

... Respondents

Petition filed under Article 226 of Constitution of India, seeking to grant leave to file 3rd party Rev. Aplw.(SR)(MD)No.80994 of 2023 against the order passed in W.P.(MD)No.19495 of 2023 dated 11.08.2023.

For Petitioner : Mr.S.Chandrasekar

For R1 : Mr.M.Jerin Mathew



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For R2 : Mr.G.V.Vairam Santhosh
Additional Government Pleader

REV.APLW(MD)SR No.80994 of 2023:

K.Sivamani ... Petitioner

versus

1. K.Subashini

2. The Tahsildar,
Bodinayakkanur,
Theni District.

... Respondents

Review Application filed under Order 47 Rule 1 C.P.C. and Section 114 of C.P.C., seeking to review the order passed in W.P. (MD)No.19495 of 2023 dated 11.08.2023.

For Petitioner : Mr.S.Chandrasekar

For R1 : Mr.M.Jerin Mathew

For R2 : Mr.G.V.Vairam Santhosh
Additional Government Pleader

ORDER

The petitioner, a third party, with a grievance that the writ petition in W.P.(MD)No.19495 of 2023 was filed without adding him



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as a party and an order was passed affecting his right, has filed this petition to review the order passed in W.P.(MD)No.19495 of 2023.

2. The learned counsel appearing for the review petitioner submits that a Civil Suit in O.S.No.100 of 2019 is pending between the review petitioner and the writ petitioner/first respondent herein. Without disclosing the same, the writ petitioner has made a request to conduct survey on the subject property of the suit and also filed the above writ petition in W.P.(MD)No.19495 of 2023 and this Court has also passed an order on 11.08.2023 directing the Survey Officer to conduct survey. Taking advantage of that order, the writ petitioner is attempting to fence the property which is the subject matter in the Civil Suit and therefore, the learned counsel seeks permission of this Court to grant leave to file a review application.

3. This Court, by order dated 11.08.2023, disposed of that writ petition in W.P.(MD)No.19495 of 2023 filed by the first respondent



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herein, directing the Thasildar, Bodinayakkanur, Theni, to conduct a survey on the petitioner's land in Survey Nos.61/3, 62/5, 45/5, 45/5, 45/6, 496/1, 496/2, 496/3 and 38/2 situated at Bodhipuram Village, Bodinayakkanur Taluk, Theni.

4. The said writ petition was disposed of based on the submissions of the learned Special Government Pleader that the application of the first respondent for conducting survey is under consideration of the Thasildar and it would be taken up for further course of action on its seniority. Considering the submission made on behalf of the Thasildar, this Court disposed the said writ petition with a direction to the Survey Officer to complete the survey as expeditiously as possible preferably within a period of eight weeks from the date of receipt of a copy of the order.

5. It is reported that survey has been conducted on 19.09.2023.



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he has raised certain objections before the concerned Taluk Surveyor, however, his objections were not considered.

10. At the time of conducting survey, if there is any objection raised by the parties, the concerned Taluk Surveyor ought to have conducted an enquiry as contemplated under Section 10 of the Tamil Nadu Survey and Boundaries Act and ought to have passed an order on the objections and thereafter, proceeded with the survey.

11. It appears that no such order has been passed by the Taluk Surveyor. Therefore, the Taluk Surveyor, Bodinayakannur, Theni District, is directed to pass orders on the objections raised by the review petitioner. If the review petitioner is still having any grievance as against that order, he is having an appeal remedy under Section 11 of the Tamil Nadu Survey and Boundaries Act, 1923. Further, the conduct of survey itself does not confer any right on the parties. The review petitioner and the first respondent can work out their remedy in



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the pending suit in O.S.No.100 of 2019 pending on the file of the
Additional District Court, Periyakulam. Theni.

12. Accordingly, W.M.P.(MD)No.22600 of 2023 is disposed of
and the review application in Rev.Aplw.(MD)No.80994 of 2023 is
rejected at the SR Stage itself. No costs.

08.11.2023

ogy
NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.

To

1. The Tahsildar,
Bodinayakkanur,
Theni District.
2. The Taluk Surveyor,
Bodinayakkanur,
Theni District.



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B.PUGALENDHI, J.

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