



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Special Original Jurisdiction

Wednesday, the Twenty Ninth day of November Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

WMP(MD). No.23524 of 2023

in

WP(MD) No.25674 of 2023

1. Karuppaiya.C

2.C.Mathivanan

... Petitioner/4 & 5th respondents

Vs

1 Poosaithevar.S

2 The Thasildar
Thiruparankundram Taluk,
Madurai District.

3 Alagumalai.K

4 Perumal.K

... 2 to 4 Respondents/ 1 to 3 Respondents

Prayer in WMP(MD). No.23524 of 2023:-

This Writ Miscellaneous Petition is filed under Article 226 of the constitution of India, to recall the order passed in W.P.(MD).No. 25674 of 2023 dated 20.10.2023 by this Honble Court.



Prayer in WP(MD). 25674/ 2023 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the 1st respondent to survey and fix boundaries of the petitioners land in survey No.73/1A1A1A1 situated at Valayankulam Village, Valayankulam Panchayat, Madurai South Taluk (then originally), now Thiruparankundram Taluk Madurai District based on his representations dated 06.04.2023.

ORDER:- This 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.Vallinayagam, Advocate for the Petitioner and of Mr.J.Jaganathan, Advocate for the Respondents 1,3 & 4, this Court made the following order:

The learned counsel for the petitioner in this recall petition fairly states that survey is yet to take place. I had made it clear in my earlier order that the survey authority will issue notice to all the interested parties. The petitioner / Karuppiya has been shown as the fourth respondent in the main writ petition. Therefore, without serving notice on Karuppiya, no survey can take place. When Karuppiya offers his objections, the Tahsildar is bound to pass a speaking order considering his objections. If Karuppiya objections are overruled, survey cannot be take place immediately. Karuppiya has to be given six weeks breathing time to move this Court or the Civil Court for relief. Since Karuppiya's interests have been adequately taken care, I am not inclined to recall the earlier order.



2.This miscellaneous petition is disposed of by reiterating the directions mentioned above.

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Sd/-
Assistant Registrar(CS III)

/12/2023
Sub Assistant Registrar(CS)

TO

1.The Thasildar

Thiruparankundram Taluk,
Madurai District

2. The Special Government Pleader,

Madurai Bench of Madras High Court, Madurai

ORDER DATED : 29/11/2023

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ORDER

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WMP(MD). No.23524 of 2023

in

WP(MD) No.25674 of 2023

Giving direction and etc.
as stated within.



MK/13.12.2023 4P 3C

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Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023