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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Wednesday, the Twenty First day of August Two Thousand and Twenty Four
PRESENT

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

WMP(MD). No.7738 of 2024
in
WP(MD) No.28306 of 2023

A.Soranchen. ... Petitioner/Proposed Respondent No.5

Vs

1 Seenivasan Gurusamy
Power of Attorney Holder of
Mrs.Lakshmi Suresh

2 The Tahsildar
Taluk Office,
Kodaikanal , Dindigul District

3 The Firka Surveyor
Taluk Office ,
Kodaikanal (Mannavanur Village) ,Dindigul District

4 The Deputy Superintendent Of Police
Kodaikanal Dindigul District

5 The Inspector of Police
Kodaikanal Police Station,
Kodaikanal
Dindigul District

... Respondent No.2 to 5/ Respondents

Prayer in WMP(MD). No.7738 of 2024

Writ Miscellaneous Petition filed under Article 226 of Constitution of India to

recall the order passed in the Writ Petition in W.P.(MD).No.28306 of 2023 dated

<https://www.mhc.tn.gov.in/judis>

30.11.2023 and thus render justice.



Prayer in WP(MD). 28306/ 2023 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 1st and 2nd Respondents to survey and demarcate the properties comprised in Survey Nos.923/2, 932/5 and 946/1 situated at Mannavanur Village, Kodaikanal Taluk, Dindigul District, by considering the Petitioners representation dated 24.05.2023 and consequently direct the 3rd and 4th Respondents to provide adequate Police Protection at the time of survey and demarcate the land stated supra and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

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.T.Lajapathi Roy, Senior Counsel for Mr.S.Rajasekar, Advocate for the Petitioner and of Mr.R.Murugan, Advocate for the 1st Respondent, and of Mr.R.Ragavendran, Government Advocate, for the 2nd to 5th Respondents this Court made the following order:

One Seenivasan Gurusamy in his capacity as a power agent of one Lakshmi

Suresh filed W.P.(MD)No.28306 of 2023 for conducting survey in respect of the petition mentioned properties. The writ petition was disposed of by me by issuing



the usual directions on 30.11.2023. Seeking recall of the said order, this miscellaneous petition has been filed.

2. Heard the learned senior counsel appearing for the petitioner in the recall petitioner and the learned counsel appearing for the original writ petitioner.

3. It is seen that the property originally belonged to Sankarammal. Sankarammal had a son and a daughter. The case of the writ petitioner is that Sankarammal executed a settlement deed dated 31.12.2015 in favour of Lakshmi Suresh. The case of the recall petitioner is that the petition mentioned property was purchased by him from the son of Sankarammal. In this writ proceeding, I cannot go into factual aspects. It is beyond dispute that the recall petitioner has filed O.S.No.87 of 2023 on the file of District Munsif Court, Kodaikanal seeking declaration that the settlement deed executed by Sankarammal in favour Lakshmi Suresh on 31.12.2015 will not bind the plaintiff. The relief of permanent injunction has also been sought. The suit was instituted on 26.09.2023. On said date, interim order of status quo was granted. Till date, it has been extended. The writ petitioner entered appearance only on 31.01.2024. But even before the order was passed on the writ petition on 31.11.2023, interim order was granted by the Court below on 26.09.2023. When interim order is operating, it may not open to the survey authority to conduct survey. Therefore, the order passed by this Court in W.P.(MD)No.28306

of 2023 will abide by the outcome of I.A.No.215 of 2023. If the interim order originally granted in I.A.No.215 of 2023 is made absolute, survey shall not be



conducted and the rights of the parties will abide by the outcome of the suit. Survey can be conducted, if I.A.No.215 of 2023 is dismissed. I make it clear that I have not gone into the merits of the matter. The parties are at liberty to workout their respective claims before the Court below.

4.This miscellaneous petition is disposed of accordingly.

Sd/-

Assistant Registrar(CO)

// True Copy //

/09/2024

Sub Assistant Registrar
(CS- I/ II / III / IV)

TO

1 The Tahsildar

Taluk Office,
Kodaikanal ,
Dindigul District

2 The Firka Surveyor

Taluk Office ,
Kodaikanal (Mannavanur Village)
Dindigul District

3 The Deputy Superintendent Of Police

Kodaikanal Dindigul District

4 The Inspector of Police

Kodaikanal Police Station,
Kodaikanal
Dindigul District



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ORDER DATED : 21/08/2024

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ORDER

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WMP(MD). No.7738 of 2024
in
WP(MD) No.28306 of 2023
Giving direction and etc.
as stated within.

MGJ(04.09.2024) 5P 6C

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