



WP(MD) No.8091 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Friday, the Seventh day of June Two Thousand and Twenty Four

PRESENT

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

WMP(MD). Nos.9885 and 9886 of 2024

in

WP(MD) No.8091 of 2024

T.Thirumalaisamy

... Petitioner/2<sup>nd</sup> Respondent

Vs

1 The Thasildar

Palani Taluk, Dindigul District.

2 P.Subramaniyan

... Respondents 1 & 2/Respondents 1 &3

3 N.Nareshkumar

... 3<sup>rd</sup> Respondent/Petitioner

Prayer in WMP(MD). Nos.9885 of 2024

Writ Miscellaneous Petition filed under Article 226 of the Constitution of India to recall the order passed by this Honble Court in WP(MD).No.8091 of 2024 dated 28.03.2024 and dismiss the writ petition in WP(MD).No.8091 of 2024 and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of this case and thus render justice.



**WP(MD) No.8091 of 2024**

Prayer in WMP(MD). 9886/ 2024 :

Writ Miscellaneous Petition filed under Article 226 of the Constitution of India to stay all further proceedings in pursuance of the order passed by this Honble Court in WP(MD).No.8091 of 2024 dated 28.03.2024 pending disposal of the above recall petition and thus render justice.

Prayer in WP(MD). 8091/ 2024 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to survey and fix boundaries of the petitioners land in Survey No.347/2B2 situated at Puliampatti Village, Palani Taluk, Dindigul District, based on his representation dated 22.08.2022, with necessary police protection and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

ORDER:- These Petition are 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.D.Venkatesh, Advocate for the Petitioner and of Mr.D.Sasikumar, Additional Government Pleader for the 1<sup>st</sup> Respondent, and of Mr.J.Jeyakumaran, Advocate for the 3<sup>rd</sup> Respondent, this Court made the following order:

Heard both sides.

2. The third respondent herein filed W.P.(MD)No.8091 of 2024 for conducting survey. The said writ petition was disposed of on 28.03.2024 by issuing usual direction. Seeking recall of the said order, the present miscellaneous petition has



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been filed.

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3. It is seen that the petitioner herein has earlier filed O.S.No.2 of 2023 on the file of the District Munsif Court, Palani. It is also seen that questioning the eviction order, the petitioner herein has filed W.P.(MD)N.23322 of 2023. The rights of the parties will abide by the outcome of those proceedings. Direction given by me is for conducting survey alone. In other words, the survey authority will indicate the position on ground as per the revenue record. By citing the order dated 28.03.2024 in W.P.(MD)No.8091 of 2024, the third respondent cannot put up any fence. Since the clarification now given will more than address the petitioner's concerns, the earlier order need not be recalled.

4. The Writ Miscellaneous Petition is accordingly disposed of. Consequently, W.M.P.(MD)No.9886 of 2024 is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/08/2024

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

rmi



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TO  
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The Thasildar  
Palani Taluk,  
Dindigul District.

+ 1 Cc to Mr.D.Venkatesh, Advocate CA Sr.no.26466/2024

+ 1 cc to the Additional Govt.Plader CA Sr.No.26324/2024

ORDER DATED : 07/06/2024

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ORDER  
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WMP(MD). No.9885 & 9886 of 2024  
in  
WP(MD) No.8091 of 2024

Giving direction and etc.  
as stated within.

SL(27.08.2024)/ 4P/ 4C

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