



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

WEB COPY

Thursday, the Seventeenth day of October Two Thousand and Twenty Four

PRESENT

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

WMP(MD). No.20909 of 2024

in

WP(MD)No.17865 of 2015

V. Rajkumar

... Petitioner/4th Respondent

Vs

1 G. Rajagopal

.. 1st Respondent / Writ Petitioner

2 The District Collector
Tuticorin District,
Tuticorin.

3 The District Revenue Officer,
Thoothukudi District,
Thoothukudi.

4 The Revenue Divisional Officer
Kovilpatti,
Tuticorin District.

... Respondents No.2 to 4 /
Respondents No.1 to 3

Prayer :-

This Writ Miscellaneous Petition is filed under article 226 of the Constitution of India, to Recall the order in W.P.(MD).No. 17865 of 2015 dated 07.09.2023 on the



Prayer in WP(MD). 17865/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to disburse the rent collected by the 3rd respondent to the petitioner for the period in between the years 1996 and 2013 of the property bearing Survey NO. 490/1 in Ward No. 21 of Kovilpatti town Municipality, Tuticorin District and consequently permit the petitioner to collect future rents.

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 Thiru.B.Prasanna Vinoth, Advocate for the Petitioner and of Thiru.C.M.Arumugam For Respondent No.1, and of Mr.R.Ragavendran, Government Advocate for the Respondent No.2 to 4 , this Court made the following order:

Heard the learned counsel on either side.

2. W.P.(MD)No.17865 of 2015 was filed by the first respondent herein (G.Rajagopal) for certain reliefs. The writ petition was allowed by me by recording the undertaking given by the writ petitioner through his counsel that he will not alienate the property in question till the partition suit filed by the fourth respondent

is concluded by the trial Court. It is now pointed out by the petitioner in this WMP

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

that even before the filing of the writ petition, on 04.10.2013 itself the properties had



been alienated. Since the order dated 07.09.2023 was passed based on the terms of the undertaking and since it now turns out that the undertaking was improperly given by the writ petitioner, the order dated 07.09.2023 in W.P.(MD) No.17865 of 2015 is recalled. This petition is allowed.

3. Registry to list W.P.(MD)No.17865 of 2015 for fresh disposal before the Hon'ble Judge holding the roster.

Sd/-

Assistant Registrar(CO)

// True Copy //

/10/2024

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

TO

- 1) The District Collector
Tuticorin District,
Tuticorin.
- 2) The District Revenue Officer,
Thoothukudi District,
Thoothukudi.
- 3) The Revenue Divisional Officer
Kovilpatti,
Tuticorin District.



Copy to:

The Section Officer,
Writ Section,
Madurai Bench of Madras High Court, Madurai

ORDER DATED : 17/10/2024

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RECALL THE ORDER

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WMP(MD). No.20909 of 2024

IN

WP(MD) No.17865 of 2015

Giving direction and etc.
as stated within.

MGJ(23.10.2024) 4P 5C

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