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W.M.P.(MD)NO.13065 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.M.P.(MD)No.13065 of 2024 in

W.P.(MD)No.10574 of 2024

A.Raja

... Petitioner / Aggrieved party

Vs.

1. Krishnamoorthy

... 1st Respondent / Petitioner

2. The Tahsildar,
Devakottai Taluk,
Sivagangai District.

3. The Head Surveyor,
Devakottai Taluk,
Sivagangai District.

4. The Inspector of Police,
Somanathapuram police station,
Sivagangai District.

... Respondents 2 to 4/ Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to recall the order passed in W.P.(MD)No.10574 of 2024 dated 29.04.2024.

For Petitioner : Mr.P.T.Ramesh Raja

For R-2 & R-3 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader.

For R-1 : Mr.G.Chezhiyan

For R-4 : Mr.A.Albert James,
Government Advocate.

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ORDER

Thiru.Krishnamoorthy filed W.P.(MD)No.10574 of 2024 for conducting survey. The writ petition was disposed of by issuing usual directions. Seeking recall of the said order, the present petition has been filed.

2. The basic facts are not in dispute. One Alagan owned 31 cents of land. He had two sons namely Kulanthaiyan and Karuppiyah. Kulanthaiyan had two sons namely, Krishnamoorthy and Balasubramaniyan. Both the sons got $7\frac{3}{4}$ cents of land each. Krishnamoorthy who is the petitioner herein had sold the property in favour of his sister Banumathy who subsequently settled the same in favour of his son Vinothkumar. The petitioner had purchased $15\frac{1}{2}$ cents from the petitioner's mother Annalakshmi. Annalakshmi purchased the same from Karuppiyah who was one of the sons of Alagan. Unfortunately, patta standing in the name of Vinothkumar indicates an extent of 8 cents. This is clearly in excess of his actual entitlement. To this extent, patta of Vinothkumar has to be revised.



3. The Tahsildar, Devakottai is directed to issue revised patta

in favour of Vinothkumar by reducing the extent of 8 cents to 7 $\frac{3}{4}$ cents.

Therefore, the Tahsildar shall conduct re-survey. The survey that was done pursuant to the order of this Court stands set aside. Vinothkumar has to submit a fresh survey application. The earlier survey report as well as the survey sketch are nullified. The petitioner is permitted to remove the boundary stones that were installed following the survey. This petition is disposed of accordingly.

18.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU

To:

1. The Tahsildar,
Devakottai Taluk,
Sivagangai District.
2. The Head Surveyor,
Devakottai Taluk,
Sivagangai District.
3. The Inspector of Police,
Somanathapuram police station,
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G.R.SWAMINATHAN,J.

PMU

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