



Rev.Apl.W(MD)No.162 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Rev.Apl.W.(MD)No.162 of 2024
in
W.P.(MD)No.29320 of 2023
and
W.M.P.(MD)No.17540 of 2024

Manoharan

... Petitioner

Vs

1.Kupendran

2.The Tahsildar,
Uthamapalayam Taluk,
Theni District.

3.The Surveyor,
Uthamapalayam Taluk,
Theni District.

4.The Inspector of Police,
Uthamapalayam Police Station,
Theni District.

... Respondents

Prayer: Review Application is filed under Order XLVII, Rules 1 and 2 of the Civil Procedure Code r/w. Section 114 of Civil Procedure Code, to review and re-consider the order dated 12.12.2023 made in W.P.(MD).No.29320 of 2023 on the file of this Court.



Rev.Apl.W(MD)No.162 of 2024

For Petitioner : Mr.K.Appadurai
For Respondents : Mr.R.Ragavendran,
Govt. Advocate for R2 & R3.
Mr.Thanga Aravindh,
Govt. Advocate (Crl. Side) for R4.

ORDER

Heard the learned counsel for the review applicant, the learned Government Advocate for the official respondents and the learned Government Advocate (Crl. Side) for the jurisdictional police.

2.The grievance of the petitioner is that the writ petitioner's patta for the petition mentioned survey numbers is erroneously indicating a larger extent of land. The petitioner can very well offer his objections before survey is conducted. Without passing order on the petitioner's objections, survey cannot be conducted. Direction 5 of the order dated 12.12.2023 in the writ petition makes it clear that if objections are overruled, the objector must be given six weeks breathing time to move the jurisdictional Court for getting interim order. In any event, survey exercise cannot lead to dispossession or putting up of any fencing. All that can be done is only installation of survey stone and nothing else.



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The directions given by this Court adequately protect the rights of the petitioner.

3.The review application is disposed of accordingly. No costs.

Consequently, connected miscellaneous petition is closed.

04.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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To:

- 1.The Tahsildar,
Uthamapalayam Taluk,
Theni District.
- 2.The Surveyor,
Uthamapalayam Taluk,
Theni District.
- 3.The Inspector of Police,
Uthamapalayam Police Station,
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G.R.SWAMINATHAN,J.

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