



WMP(MD). No.18235 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Tuesday, the Tenth day of September Two Thousand and Twenty Four

PRESENT

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

WMP(MD). No.18235 of 2024

in

W.P.(MD)No.12873 of 2024

Kothandaraman

... Petitioner/3rd Respondent

Vs

1 K.Sakkaraiyappan

..1st Respondent/Writ Petitioner

2 The Tahsildar
Vembakkottai,
Virudhunagar.

3 The Head Surveyor,
Vembakkottai,
Virudhunagar.

... 2nd & 3rd Respondents/
1st and 2nd Respondents

Prayer :-

Writ Miscellaneous Petition filed under Article 226 of the Constitution of India to recall the order made in WP(MD) 12873/2024 dated 18.06.2024 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.



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Prayer in W.P.(MD)No.12873 of 2024:-

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to survey the land of the petitioner which is situated in Survey Number 737/32, Lakshmipuram Village, T. Karisalkulam, Vembakkottai, Virudhunagar District for the purpose of demarking the petitioners property within a time stipulated by this Honble High Court 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 M/s. N. Balasubramanian, Advocate for the Petitioner and of Mr. K.P. Sankarakumarakurubaran, Advocate for the 1st Respondent and of Mr. R. Ragavendran, Government Advocate for the 2nd and 3rd respondents, this Court made the following order:

"Order dated 18.06.2024 made in W.P(MD)No.12873 of 2024 adequately protects the rights of the recall petitioner herein. It is seen that the recall petitioner has given his objections and the Tahsildhar, Vembakottai is yet to pass order. It is also seen that S.A(MD)No.373 of 2024 has already been filed by the recall petitioner herein. If in case the Tahsildar over-rules the objections of the recall petitioner



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herein, he has to give breathing time to the petitioner. If during the said time the petitioner is able to obtain interim order in the pending second appeal, survey cannot be conducted. Therefore, the petitioner can very well work out his remedies as per the directions given by this Court in W.P(MD)No.12873 of 2024. Recall of the order is not warranted.

2.This Writ Miscellaneous Petition is disposed of accordingly."

Sd/-

Assistant Registrar (CO)

// True Copy //

/09/2024

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

MGA

TO

1. The Tahsildar
Vembakkottai
Virudhunagar.
2. The Head Surveyor
Vembakkottai
Virudhunagar.

Copy to:

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

<https://www.mhccourt.org>



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WEB COPY +1 CC to M/s. SPL.GP(SR-51055[I] dated 12/09/2024)

ORDER DATED : 10/09/2024

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ORDER
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in
W.P.(MD)No.12873 of 2024

Giving direction and etc.
as stated within.

SL(19.09.2024)/ 4P/ 5C

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