IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **09-06-2025**

CORAM

THE HONOURABLE MS. JUSTICE P.T. ASHA

WMP NO. 9038 of 2025

IN

WP NO. 33235 OF 2024

RAMAKRISHNAN
S/o. Narasimhan, Samathuvapuram, Periyanahalli,
Karimangalam Taluk, Dharmapuri District.

Petitioner(s)

Vs

1.The Revenue Divisional Officer
Dharmapuri, Dharmapuri District.

2.The Tahsildar Karimangalam Taluk, Dharmapuri District.

3.Muralidharan

4.Senthil Kumar

5.Subramani

6.Rajeshwari

7.Govindasamy

8.Punithalakshmi

Respondent(s)

For Petitioner(s): Mr.R.Harikrishnan
For Respondent(s): Mr.K.Govi Ganesan for R7 & R8
Mr.A.N.Purushotham
Special Government Pleader for R1 & R2

ORDER

The fourth respondent in W.P.No.33235 of 2024 has filed the above miscellaneous petition to recall the order of this Court 13.11.2024 in W.P.No.33235 of 2024, which was subsequently clarified by order dated 09.06.2025.

2. According to the petitioner, the property in question is his ancestral property. The third respondent herein who is the co-owner of the property had executed a sale in favour of the writ petitioners who are the respondents 7 and 8 herein, alleging he alone is the absolute owner of the property in question. Pursuant to the sale deeds, the subsequent purchasers, the respondents 7 and 8 herein had mutated the revenue records. The petitioner herein who also claims title to the property through his ancestor, filed an application to mutate the revenue records and by order dated 23.08.2024, the Tahsildar, Kariamangalam had issued joint patta. This was challenged in an appeal by the writ petitioners/respondents 7 and 8, contending that the order of the Tahsildar dated 23.08.2024 was passed without notice to them. Thereafter, the respondents 7 and 8 herein had filed W.P.No.33235 of 2024 and they had obtained an order of this Court on 13.11.2024 by providing misleading facts.

3. The petitioner herein would contend that the respondents 7 and 8 / writ petitioners were served with notice as early as on 01.12.2023, prior to the order of the Tahsildar dated 23.08.2024, and they had appeared before the Tahsildar and had filed their statements. That being the case, now the writ petitioners had filed the present writ petition alleging that they were not heard when the revenue authorities had mutated the revenue records. Therefore, it is a clear case that the writ petitioners have obtained an order of this Court by providing misleading facts. Hence, he seeks to modify the order

of this Court dated 13.11.2024 in W.P.No.33235 of 2024.

4. The learned counsel appearing for the writ petitioners / respondents 7 and 8 herein would submit that the petitioner herein, who is the fourth respondent in W.P.33235 of 2025 was heard in detail and this Court had passed the order dated 13.11.2024, allowing the said writ petition. They would contend that the petitioner herein has come by change of vakalath in the present modifying petition and had advanced new arguments stating that the writ petitioners were heard at the time of mutating the revenue records, however in the earlier occasion when this Court had passed the order on 13.11.2024, it was admitted by him that the writ petitioners were not heard by the revenue authorities. Since the statements made by the petitioner are contrary to each other, the present petition filed to modify the order of this Court dated 13.11.2024 in W.P.No.33235 of 2024, cannot be entertained and has to be dismissed.

5. Heard the learned counsel on either side.

6. This Court finds merit in the submission of the learned counsel appearing for the respondents 7 and 8 / writ petitioners. Considering the fact that the petitioner herein who has come by way of change of vakalath and filed the present modification petition, cannot bring in new arguments contrary to the one made by him initially while this Court had passed the order in W.P.No.33235 of 2024. Accordingly, this miscellaneous petition is dismissed. Further, if the petitioner herein aggrieved by the order in W.P.No.33235 of 2024, the remedy is otherwise.

09-06-2025

ds

To
1. The Revenue Divisional Officer
Dharmapuri, Dharmapuri District.

2. The Tahsildar
Karimangalam Taluk, Dharmapuri District.