



WEB COPY

WMP No. 24893 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-07-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WMP No. 24893 of 2025

AND

WP NO. 12146 OF 2025

1. Prabu

S/o.Ponnusamy, Lakkampatti Village,
Kolathur, Mettur Taluk, Salem District.

2. Ramani

S/o.Ponnusamy, Lakkampatti Village,
Kolathur, Mettur Taluk, Salem District.

3. Karthik

S/o.Ramani, Lakkampatti Village,
Kolathur, Mettur Taluk, Salem District.

Petitioner(s)

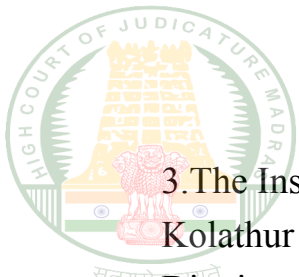
Vs

1. Hamsa

W/o.Chandrasekaran,
Perumalkovilnatham, Chinnathanda
Post, Lakkampaatti Village, Mettur
Taluk, Salem District.

2.The Tahsildar

Mettur Taluk, Salem District.



3. The Inspector Of Police
Kolathur Police Station, Salem
District.

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Respondent(s)

PRAYER

Writ Miscellaneous petition filed to recall the order dated 04.04.2025 passed in
W.P. No.12146 of 2025.

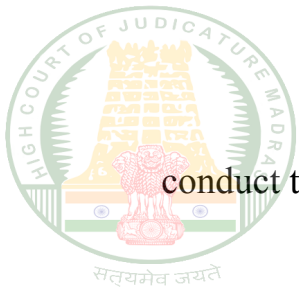
For Petitioner(s): Mr.R.Udhayakumar
For Respondent(s): Mr.S.Krishnamoorthy for R1
Ms.P.Aishwarya,
Government Advocate for R2
Mr.V.Meganathan
Governemtn Advocate [Crl. Side]
for R3

ORDER

This Writ Miscellaneous petition has been filed to recall the order
passed in WP No.12146 of 2025 dated 04.04.2025.

2. The 1st respondent / writ petitioner filed the writ petition for a
direction to the authorities to act upon the representation made by the petitioner
on 23.01.2025 and to survey the subject property with police aid.

3. The above writ petition was disposed of by an order dated
04.04.2025 with a direction to the Tahsildar to act upon the application and to



conduct the survey.

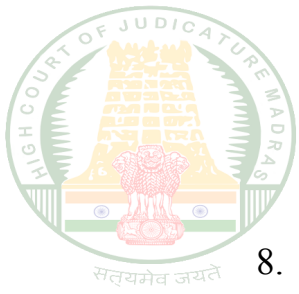
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4. This petition to recall the order passed in the writ petition has been filed by the respondents 3 to 5 in the original writ petition on the ground that already a suit is pending in OS No.65 of 2020 before the District Munsif Court, Mettur, which was filed by the vendors of the writ petitioners against the petitioners in this recall petition and the same is pending.

5. The learned counsel for the writ petitioner submitted that the writ petitioner is a subsequent purchaser of the property and that he was not aware of the suit that was filed by the vendors. That apart, the suit was filed only for the relief of permanent injunction.

6. Heard Mr.R.Udhayakumar, learned counsel for the petitioner and Mr.S.Krishnamoorthy, learned counsel for 1st respondent, Ms.P.Aishwarya,, learned Government Advocate for 2nd respondent and Mr.V.Meganathan, learned Government Advocate [Crl. Side] for 3rd respondent.

7. In the considered view of this Court, the suit was filed by the vendors in OS No.65 of 2020 and it is said to be pending before the concerned court. The same is evident from the e-court proceedings, which shows that the main suit is in the trial stage and a case is pending for hearing of an IA, which is in the part heard stage.

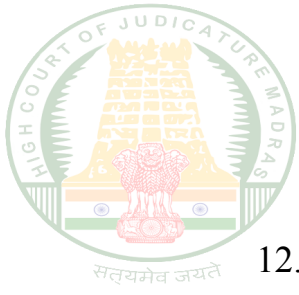


8. The above fact was not brought to the notice of this Court. If ultimately, the parties are agitating before a Civil Court and the petitioner is a subsequent purchaser, who came into the picture only in the year 2021 by virtue of a Sale deed dated 04.10.2021, the transaction itself is subject to *lis pendens*. In view of the same, the revenue authorities cannot at this stage act upon the application submitted by the writ petitioner and conduct the survey. It is informed that till date no survey has been conducted.

9. The learned counsel for the writ petitioner submitted that the suit itself came to be withdrawn on 25.06.2025.

10. It is quite apparent that the notice of this Court was never drawn to the pending suit that was filed by the vendors of the writ petitioner. This Court will not go into the *inter se* rights between the parties. What is important is that this Court must be made aware of all the facts in a case. If material facts are not informed to this Court, that by itself is a ground to recall the order passed in the writ petition.

11. In view of the above, it is left open to the parties to work out their remedy before the competent Civil Court and the order passed in the writ petition in WP No.12146 of 2025 dated 04.04.2025 is hereby recalled,



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12. In the result, this writ miscellaneous petition stands allowed.

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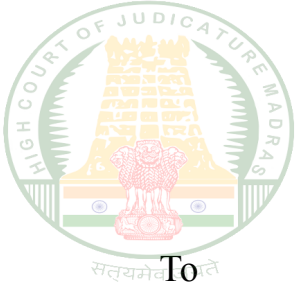
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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N.ANAND VENKATESH J.

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