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WMP No. 26936 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-12-2025

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THE HONOURABLE MS. JUSTICE P.T. ASHA

WMP No. 26936 of 2025

IN

WP NO. 33645 OF 2024

1. MAYILATHAL

W/o.Late.Muthukumarasamy
Gounder, Residing At No.5/135a,
Metuvavi Post, Panappatti Village,
Kinathukadavu Taluk, Coimbatore
District-641 202.

Petitioner(s)

Vs

1. The Tahsildar

Kinnathukkadavu Taluk, Coimbatore
District

2.KALAIMATHI

D/o.Late.Muthukumarasamy
Gounder, W/o.Mayilsamy,
No.3/88a, Majara Vadugapalayam,
Ambothi Village, Avinashi Taluk,
Tirupur District-641 654

Respondent(s)

WP No. 33645 of 2024

1. KALAIMATHI

W/o.Mylsamy, 317, Vadugapalayam,
Ambothi Village, Annur Taluk,



Coimbatore Taluk

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Vs

1. THE TAHSILDAR
W/o.Mylsamy, 317, Vadugapalayam,
Ambothi Village, Annur Taluk,
Coimbatore Taluk

2.Mylathal

PRAYER IN WMP No. 26936 of 2025:

To recall the order dated 20.11.2024 in W.P. No.33645 of 2024.

PRAYER in WP No. 33645 of 2024:

To call for the records relates to the impugned proceedings of the 1st respondent vide T.R.No.2024/12/12/000375SD and T.R.2024/12/12/000376 SD dated 31.05.2024 and transferring patta infavour of 2nd respondent vide patta No.2762 relates to the properties comprised in survey number 144/1, 144/2A at Panappatti Village, Kinathukaduavu Taluk, Coimbatore District and quash the same as illegal and unconstitutional and consequently direct the 1st respondent to restore the Patta No.913 infavour of the petitioner.

For Petitioner(s): Mr. Basu K.Balaiyanantham

For Respondent(s): Mrs S. Anitha,
Special Government Pleader
for R1



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ORDER

This application is filed to recall the order passed in WP.No.33645 of 2024, dated 20.11.2024.

2. In the said order, this Court had directed the 1st respondent to conduct enquiry after giving due notice to the petitioner and the 2nd respondent therein and to restore patta No.913, in favour of the petitioner therein. This Court had also opined that in case of rejection, a speaking order shall be passed and all issues including the issue of pendency of suit OS.No.230 of 2011, could be raised by the 1st respondent, during enquiry and the 1st respondent shall consider the above. The 1st respondent was directed to complete the aforesaid exercise within a period of 6 weeks, from the date of receipt of a copy of the order and the orders were passed at the admission stage itself after hearing the learned counsel for the petitioner and the learned Special Government Pleader.

3. The present recall petition has been filed on the ground that the 2nd respondent / petitioner had made a false claim that the decree had not been challenged in an appeal in 12 years and that it remains final. Further,



multiple interlocutory applications filed by the 2nd respondent's brother were dismissed and patta transfer had been effected based on the final decree passed in OS.No.230 of 2011, after following due process of law.

4. The petitioner would also submit that she has taken out an application before the Maintenance and Welfare Tribunal for Parents and Senior Citizens, Pollachi Revenue Division. She would also submit that she had filed WP.No.20981 of 2025, challenging the order dated 04.04.2025, passed by the Tahsildar, Kinnathukkadavu Taluk, Coimbatore. Therefore, the order has to be recalled.

5. It is also the contention of the petitioner that in WMP.No.23702 of 2025 in WP.No.20981 of 2025, the petitioner had obtained orders of stay on 16.06.2025 and flouting the stay order, the Tahsildar had mutated the patta in favour of the 2nd respondent on 17.06.2025. Therefore, she would seek to have the order passed in WP.No.33645 of 2024, recalled.

6. Heard the learned counsel for the petitioner and learned Special Government Pleader for the 1st respondent.



7. The petitioner has filed a review petition before this Court and in addition to the review petition, this recall petition has been filed. That apart, in compliance of the order passed by this Court on 20.11.2024, in WP.No.33645 of 2024, the 1st respondent herein has conducted an enquiry and thereafter mutated patta by order dated 04.04.2025, which is also the subject matter of challenge in WP.No.20981 of 2025.

8. Such being the case, the present petition seeking to recall the order dated 20.11.2024, particularly when the review petition has been filed is clearly without any basis.

9. Therefore, this writ miscellaneous petition is dismissed.

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02-12-2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No



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To

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District

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P.T.ASHA J.

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