



W.M.P.No.46408 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.10.2025

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.M.P.No.46408 of 2025
& Rev.Aplw.Sr.No.174985 of 2025

1.Myilsamy
2.Amsaveni

... Petitioner

Vs.

1. Eswaran

2. The District Collector
Tiruppur District, Tiruppur.

3. The Revenue Divisional Officer
O/o.Revenue Divisional Officer,
Udumalaipettai- 642 126.

4. The Tahsildar
Madathukkulam- 642 113
Tiruppur District.

5. The Taluk Surveyor
The Tahsildar Office,
Madathukkulam, Tiruppur District.

... Respondents

Prayer:

Writ Miscellaneous Petition filed under Article 226 of the Constitution of India praying to grant leave to permit the petitioners to



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challenge the order passed by this Hon'ble High Court in WP.No.35663 of 2025 dated 19.09.2025.

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For Petitioner : Mr.N.Umapathi

For Respondent : Mrs.S.Indhu Bala, AGP for R2 to R5

ORDER

This writ miscellaneous petition has been filed to grant leave to permit the petitioners to challenge the order passed by this Hon'ble High Court in WP.No.35663 of 2025 dated 19.09.2025.

2. In the present case, the 1st respondent had already filed a writ petition in WP.No.35663 of 2025, wherein this Court, vide order dated 19.09.2025, directed the 3rd respondent therein to conduct survey at the subject property. The relevant portion of the said order reads as follows:

“5. Considering the limited scope of the prayer, sought for in this Writ Petition and in view of the submission made by the learned Government Advocate for respondents, this Writ Petition is disposed of with a direction to the third respondent to consider the applications made by the petitioner dated 23.06.2025



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and take suitable steps for conducting a survey in the petitioner's property and demarcate the same by metes and bounds after giving notice to any other interested parties and complete such exercise within a period of four weeks from the date of receipt of a copy of this order. It is needless to say, in the event, any obstruction is being caused by any third parties, the respondents are at liberty to seek the assistance of the Police Officials, in which case, the concerned Jurisdictional Police is directed to render all kinds of assistance, as required, by the Revenue Officials for demarcation of the subject property. No costs."

3. Pursuant to the above order, the property was surveyed and the boundary stones were fixed at the subject land. Now, the 1st respondent intends to construct a compound wall at the subject property based on the boundary stones fixed by the officials. Aggrieved over the same, the petitioners had approached this Court by way of the present miscellaneous petition seeking leave to challenge the aforesaid order dated 19.09.2025.



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4. Ultimately, the order dated 19.09.2025 was passed by this Court

only to survey the subject property and fix the boundary stones therein.

The said order will no way affect the rights of the petitioners. That apart, no rights can be claimed by either of the parties based on the strength of the aforesaid order dated 19.09.2025 passed by this Court.

5. Further, it is made clear that this Court passed the order dated 19.09.2025 only to measure the subject property and fix the boundary stones therein. If any of the boundary stone was fixed in the land, where the petitioners or any other 3rd parties are in possession, their possession shall not have been disturbed, either by the police or survey officers, while fixing those boundary stones. However, the rights of the parties over the subject property, in the event if there is any dispute, the same can be decided only in the concerned Civil Court and it is up to the parties to claim their right by way of approaching the Court of law. Therefore, the aforesaid order passed by this Court, in the writ petition, which was filed requesting for a direction to measure the land at a particular survey number, shall not be construed as it confer ultimate



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right on the subject property, in the event of any dispute with regards to the possession of the said property.

6. In view of the above, this Court is inclined to dismiss the present petition with the above clarification. Accordingly, this writ miscellaneous petition is dismissed. Consequently, the review application is also rejected at the SR stage itself. No cost.

31.10.2025

Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

nsa

To

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KRISHNAN RAMASAMY.J.,

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