



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.M.P.No.50073 of 2025

in W.P.No.34556 of 2025

Bommaiah @ Mottappa

... Appellant/Third party

Vs.

1.Govindaraj and 6 others

... Respondents

PRAYER: To grant leave to this petitioner to file recall petition in the W.P.No.34556 of 2025 on the file of the Hon'ble High Court, Madras dated 15.09.2025.

For Petitioner : Mr.R.Poornima

For Respondent 1 : Mr.M.Mohamed Afridi

For Respondents 2, 4 & 6 : Mr.G.Velu,
Additional Government Pleader

For Respondents 3, 5 & 7 : Mr.L.Baskaran,
Government Advocate



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ORDER

This petition is filed to grant leave to the petitioner to file recall petition in W.P.No.34556 of 2025 dated 15.09.2025.

2. When the matter was taken up for hearing, learned counsel for the petitioner submitted that the respondent herein suppressed the fact that a suit is pending before the Lower Court, obtained an order from this Court on 15.09.2025 for measuring the property. Even, the Tahsildar has failed to issue notice, while considering the first respondent's representation. However, this Court made it clear that the order was passed only for measuring the property and lay the survey stones. Merely measuring and laying survey stone at the request of petitioner therein will not amount to claim any right over the property, unless and otherwise there is any dispute. In the event of dispute, the right of the subject properties can be decided only by the Civil Court. If the authorities



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concerned are going to measure the property, they are directed to issue notice to all the neighbours and rival claimants and thereafter directed to complete the survey.

3. In the event the writ petitioner claim any land, which is in the occupation of the third parties and they made no objection to take over the said lands, then certainly, the writ petitioner can have the possession. On the other hand, if the third party or the person, who is in the possession is disputing the entitlement of the petitioner, in such case, the petitioner therein is supposed to move to Civil Court and establish his title for the said property.

4. Accordingly, this Writ Miscellaneous Petition is dismissed. No costs. Consequently, the petition for recall the order stands closed in the Sr. stage itself.

20.11.2025



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Index: Yes/No

Internet: Yes/No

Speaking Order/Non-speaking order

To:

- 1.The District Collector,
Office of District Collector,
Krishnagiri – 635 115.
- 2.The Superintendent of Police,
Office of the Superintendent of Police,
Krishnagiri – 635 115.
- 3.The Sub Collector,
Office of the Sub Collector,
Hosur – 635 115.
- 4.The Deputy Superintendent of police,
Office of the Deputy Superintendent of Police,
Hosur – 635 109.

KRISHNAN RAMASAMY, J.



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5.The Tahsildar,
Office of Tahsildar,
Soolagiri – 635 117.

6.The Inspector of Police,
Uddanapalli Police Station,
Uddanapalli – 635 119.

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