



WEB COPY



C.M.P.No.28651 of 2025 in
W.A.Sr.No.186908 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2025

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

C.M.P.No.28651 of 2025 in W.A.Sr.No.186908 of 2025

1. K.Sekar
2. T.Nalini
3. T.Geetharani
4. K.Arunagiri
5. Kandasamy
6. S.Rajeshwari
7. P.Murugesan
8. T.Sasikala
9. V.Thangaraju

.. Petitioners

Vs.

1. R.Arumugam

2. The Commissioner

Namakkal Municipality, Paramathy Road
Namakkal – 637 001, Namakkal District.

.. Respondents

Prayer: Petition filed under Section 151 of the Code of Civil Procedure, to grant leave to the petitioners to prefer the above writ appeal as against the order dated 18.01.2018 passed in W.P.No.28471 of 2013.

For the Petitioners : Mr.S.Subbiah
Senior Counsel
for Ms.Elizabeth Ravi

For the Respondents : Mr.E.Vijay Anand
Additional Government Pleader
for R2



C.M.P.No.28651 of 2025 in
W.A.Sr.No.186908 of 2025

ORDER

(Order of the Court was made by R.SURESH KUMAR, J.)

WEB COPY

The present petitioners seek leave of this Court to challenge the order passed by the Writ Court dated 18.01.2018 made in W.P.No.28471 of 2013.

2. The said writ petition was filed by the first respondent herein, namely *R.Arumugam*, against the second respondent, that is the Commissioner of Namakkal Municipality. The prayer sought in the writ petition is to restrain the Municipality from laying the road in a particular land. As the land having been declared as belonging to the writ petitioner by the Civil Court decree, such a prayer was sought.

3. The said stand taken by the writ petitioner/first respondent was accepted by the second respondent/Municipality Commissioner, as whose Standing Counsel appeared before the Writ Court has stated that the Municipality will not lay the road. In view of the said stand taken by both the parties, the learned Writ Court, in the order dated 18.01.2018, simply recorded the stand taken by both parties and by giving a finding that no further adjudication is required in the writ petition, closed the writ petition.



*C.M.P.No.28651 of 2025 in
W.A.Sr.No.186908 of 2025*

WEB COPY

4. After seven years, now, the present leave petition has been filed by the present petitioners, who are third parties, seeking leave of this Court to challenge the said order passed by the Writ Court dated 18.01.2018.

5. Since no adjudication was required and the writ petition was closed and no order since has been passed giving directions to anyone by the Writ Court by the order dated 18.01.2018, nothing is there to challenge the said order, that too, by third parties. If at all the private parties, who seek leave to challenge the said order, have got any grievance over the claim made by the writ petitioner over the land in question passed by the Civil Court decree and in this regard, if there is any contra decree passed by the Civil Court in favour of the private parties, that is the present petitioners, it is for the present petitioners to work out the remedy before the concerned Court of law and adjudicate the matter between the private parties and in this context, there is no scope for challenging the order passed by the Writ Court dated 18.01.2018.



C.M.P.No.28651 of 2025 in
W.A.Sr.No.186908 of 2025

6. As a result of which, we are not inclined to give the leave sought in the present petition and accordingly, it is dismissed. No Costs.

(R.S.K., J.) (H.C., J.)
18.11.2025

Speaking Order/Non-Speaking Order
Neutral Citation:Yes/No
Internet:Yes/No
Index:Yes/No

(drm)



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W.A.Sr.No.186908 of 2025*

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To:

1. The Commissioner
Namakkal Municipality, Paramathy Road
Namakkal – 637 001, Namakkal District.



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R. SURESH KUMAR, J.
AND
HEMANT CHANDANGOUDAR, J.
(drm)

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