



W.A(MD)No.1488 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.06.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD)No.1488 of 2025
and
C.M.P(MD)No.8652 of 2025**

K.S.Viswanathan

... Appellant /
5th Respondent

Vs.

1.T.J.Sethurambabu

... 1st Respondent /
Petitioner

2.The District Collector,
Tenkasi District.

3.The Executive Officer,
Courtallam Special Grade Panchayat,
Courtallam,
Tenkasi District.

4.The Tahsildar,
Tenkasi Taluk,
Tenkasi District.

5.The Surveyor,
Tenkasi Taluk,
Tenkasi District.

... Respondents 3 to 5 /
Respondents 1 to 4



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Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 23.10.2024 made in W.P(MD)No.25196 of 2024 on the file of this Court and thereby allow the above Writ Appeal.

For Appellant : Mr.N.GA.Natraj

For Respondents : Mr.T.R.Subramanian for R.1

Mr.A.Kannan
Additional Government Pleader
for R.2 to R.5

JUDGMENT

(Judgment of the Court was made by **G.R.Swaminathan J.**)

Heard both sides.

2.The fifth respondent in the writ petition has filed this intra-court appeal challenging the order dated 23.10.2024 made in W.P(MD)No.25196 of 2024 filed by the first respondent herein. The first respondent sought issuance of writ of mandamus to direct the Tahsildar, Tenkasi Taluk to survey and measure the petition mentioned property. The writ petition was disposed of in the following terms:



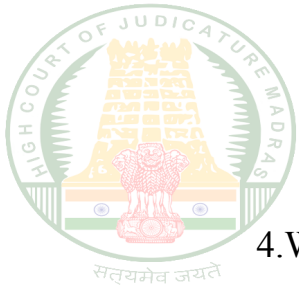
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“5. Considering the request of the petitioner and also the fact that the petitioner has made his representation as early as in October, 2023, a Mandamus is issued to the respondents 3 and 4 to conduct survey and mark the boundaries in the petition mentioned property. The petitioner shall submit all the relevant records to show his title to the property and the respondents 3 and 4 shall, after issuing notice to the adjacent land owners and interested parties, hold an enquiry and thereafter proceed to pass orders either surveying and demarcating the property or rejecting the request. In the case of a rejection, a speaking order shall be passed. The aforesaid exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.”

It is stated that pursuant to the said direction, the authority conducted the survey also.

3.The prime ground of attack in this Writ Appeal is that the appellant had already filed O.S. No. 296 of 2015 before the Principal District Munsif Court, Tenkasi, in which the writ petitioner is figuring as the second defendant. It is contended that the second defendant ought to have disclosed this fact in the affidavit filed in support of the writ petition, but no such disclosure was made in this case.



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4. We posed a direct question to the learned counsel for the writ petitioner if such a disclosure about the pendency of the suit was made, the learned counsel states that the pendency of suit was not mentioned in the writ affidavit.

5. On this sole ground of suppression of a material fact by the writ petitioner, we set aside the order impugned in this Writ Appeal.

6. This Writ Appeal is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [K.R.S., J.]
13.06.2025

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
MGA

To

1. The District Collector,
Tenkasi District.

2. The Executive Officer,
Courtallam Special Grade Panchayat,
Courtallam,
Tenkasi District.



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3.The Tahsildar,
Tenkasi Taluk,
Tenkasi District.

4.The Surveyor,
Tenkasi Taluk,
Tenkasi District.

Copy to

The Principal District Munsif Court,
Tenkasi.



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G.R.SWAMINATHAN, J

and

K.RAJASEKAR, J.

MGA

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