



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2025

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THE HONOURABLE Mr.JUSTICE P.B. BALAJI

Review Petition (MD) No.98 of 2025

against

W.P(MD) No.4389 of 2025

S.Murugesan

...Petitioner

Vs

1. Muruganantham
2. The District Collector,
Dindigul District, Dindigul.
3. The Tahsildar,
Dindigul West Taluk, Dindigul District.
4. The Taluk Surveyor,
Dindigul West Taluk,
Dindigul District.
5. The Village Administrative Officer,
Thadikombu Village,
Dindigul West Taluk,
Dindigul District.

...Respondents



Prayer : Review Petition has been filed under Order 47 Rule 1, r/w. Section 114 of C.P.C praying to review the order passed by the Single Bench in W.P(Md)No.4389 of 2025 dated 19.02.2025 and allow the relief sought for in the said review petition.

For Petitioner : Mr.S.Sarvagan Prabhu
For Respondent-1 : Mr.Prasanth.KK
for Mr.J.Gulaseelan Muthiah
For Respondents
2 to 5 : Mr.A.Kannan,
Additional Government Pleader

ORDER

The above review application is filed to review the order dated 19.02.2025 passed in W.P(Md)No.4389 of 2025

2. The review application has been filed by one S.Murugesan, S/o.Subbiahapooyan contending that the 1st respondent/writ petitioner has no lawful right to the said property and that under the guise of gift Deed executed by one Natarajan in favour of his wife, Devasundari, the said Devasundari had subsequently appointed a General Power of Attorney, who sold the property in favour of one Veeramalai, the brother of the writ petitioner on 23.06.2008. It is through the said Veeramalai that the writ petitioner claimed title to the subject property.



It is also seen that the patta has been mutated in the name of the writ petitioner and neither the sale deed nor the patta has been challenged as on date. It is only based on these documents, the writ petitioner made an application for survey and by order dated 19.02.2025, this Court had directed respondents 2 and 3 in the writ petition to dispose of the petitioner's application for survey within a period of two weeks.

3. The learned counsel for the review petitioner would submit that a second appeal in S.A.(Md)No.797 of 2021 is pending before the Madurai Bench of this Court wherein the predecessors-in-interest, namely Natarajan and Devasundari are also parties. He would also point out that a suit in O.S.No.97 of 2005 has been filed by one Rajammal and late, Lakshmi against the said Devasundari and others for partition, which involves the subject property sought to be surveyed. The said suit was contested and decreed. However, as on date, the Sale deed dated 23.06.2008 executed in favour of Veeramalai has not been set aside and the revenue records also stand in the name of the writ petitioner.



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4. The claim of the review petitioner is that he is in possession, that the lands are admittedly vacant, and that disputes are pending before the Madurai Bench of the Madras High Court in S.A.(Md) No. 797 of 2025 and in another suit in O.S.No.53 of 2009, in which the writ petitioner is admittedly not a party. In the light of the above, both parties shall maintain status-quo and the survey shall be subject to respective parties establishing their rights in the civil suit. It is open to the writ petitioner to seek impleadment in the pending suit filed against the predecessors-in-interest, Natarajan and Devasundari.

4. With the above direction, this review application is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

14.11.2025

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P.B. BALAJI.J

srn

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