



W.A.(MD)No.900 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.03.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.A.(MD)No.900 of 2022
and
C.M.P.(MD)No.7520 of 2022**

Rajagopal (Died)

V.S.Veluthai

... Appellant

*(Appellant is substituted vide order dated
22.08.2023 in C.M.P.(MD)No.5371 of 2023 in
W.A.(MD)No.900 of 2022 by SSSRJ & DBCJ)*

Vs.

1.P. Ilango

2.The Tahsildar,
Theni Taluk Office,
Theni District.

3.The Taluk Surveyor,
Theni Taluk Office,
Theni.

... Respondents

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal and set aside the order dated 22-04-2022 passed in W.P.(MD).No.7719 of 2022 on the file of this Court.

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For Appellant : Mr.G.Prabhu Rajadurai

For Respondents : Mr.Jayakarthish for R1
Mr.G.V.Vairam Santhosh,
Addl. Government Pleader for R2 & R3.

JUDGMENT

(Judgment of the court was delivered by G.R.Swaminathan, J.)

Heard both sides.

2.One Ilango filed W.P.(MD)No.7719 of 2022 for conducting survey of the property comprised in S.No.866/6 in Veerapandi Village. The learned Single Judge allowed the writ petition vide order dated 22.04.2022. Aggrieved by the same, this third party writ appeal has been filed. Leave was already granted.

3.It is seen that the appellant herein filed O.S.No.56 of 2020 before the District Munsif Court, Theni seeking injunction in respect of the property comprised in S.No.866/1B which includes the petition mentioned property. The writ petitioner / Ilango is figuring as the second



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defendant in the said suit. The plaint was filed in the year 2020. The writ petition was filed in the year 2022. By which time, the writ petitioner had already entered appearance in the suit. The writ petitioner ought to have impleaded the appellant herein in the writ petition. Obtaining an order behind the back of the appellant was clearly improper. On this sole ground, we set aside the order impugned in the writ appeal and the writ appeal stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

**(G.R.S. J.) & (M.J.R. J.)
10.03.2025**

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:

- 1.The Tahsildar,
Theni Taluk Office,
Theni District.
- 2.The Taluk Surveyor,
Theni Taluk Office,
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