



WMP (MD)No.11569 of 2025 in WP (MD)No.5602 of 2025

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 12-06-2025**

**CORAM**

**THE HONOURABLE MR.JUSTICE P.B. BALAJI**

**WMP (MD)No.11569 of 2025  
in WP(MD)No.5602 of 2025**

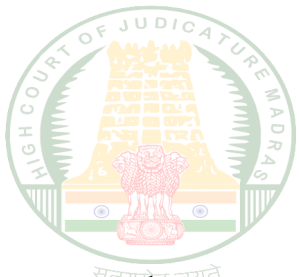
Shanmugavel  
S/o Sabgarppan  
Pillayar Koil Street,  
Ramasampatti  
Kamuthi Taluk  
Ramanathapuram District

..... Petitioner

VS

- 1.Karuppasamy  
S/o Neelamegam  
No.2/120, Salukkuvarpatti,  
Virudhunagar District.
2. The District Collector,  
Ramanathapuram  
Ramanathapuram District.
3. The Tahsildar,  
Office of the Taluk Office,  
Kamuthi Taluk,  
Ramanathapuram District.
4. The Head Surveyor,  
Office of the Taluk Office,  
Kamuthi Taluk,  
Ramanathapuram District.

<https://www.mhc.tn.gov.in/judis>



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5. The Inspector of Police,  
Kamuthi Police Station,  
Ramanathapuram District

...Respondents

For Petitioner :Mr.J.Mohamed Ashik Jaman

For Respondents :Mr.Harish  
For Mr.B.Arun For R.1  
Mr.B.Saravanan  
AGP for R.2 to R.5

### ORDER

W.M.P.(MD)No.11569 of 2025 has been taken out by one Mr.Shanmugavel.

2. According to the learned counsel for the petitioner in W.M.P.(MD)No.11569 of 2025, the order was obtained by the writ petitioner by suppression of material facts. Learned counsel would point out three reasons for recalling the order. Firstly, the writ petitioner does not have subsisting title to the subject lands. Secondly, the petitioner is entitled to 22 ½ cents in the subject survey number and he has filed a suit in O.S.No.30 of 2025 which is pending before the Sub Court, Muthukulathur and the writ petitioner is arrayed as fourth defendant in the said suit and notice was issued by the Sub Court, Muthukulathur and the writ petitioner has received notice on 28.2.2025 and therefore, he cannot plead ignorance of the suit. However, when the writ petition was ordered on 03.03.2025, the petitioner has not brought to notice of the Court that there is a suit pending pertaining to the very same subject lands.



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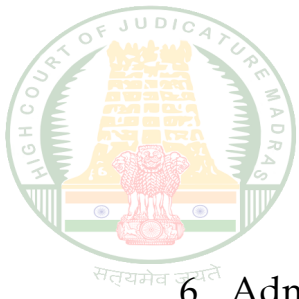
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Thirdly, learned counsel would submit that the petitioner was in physical possession of a portion of the property and the predecessor-in-title of the writ petitioner illegally trespassed into the property and demolished the superstructure and the petitioner has lodged a police complaint and therefore, learned counsel seeks for the order being recalled.

3. The learned Additional Government Pleader appearing for the respondents 2 to 5 stated that on receipt of the objections from the petitioner in WMP(MD) No.11569 of 2025, survey has not been conducted and he would state that the authorities are willing to abide by the further orders of this Court.

4. Learned counsel appearing for the writ petitioner would state that there is no suppression and it is only a typographical error in mentioning that the property has been purchased by the petitioner. He would further submit that if the petitioner wanted to misconstrue facts or suppress any vital information, then, he would not have enclosed the sale deed along with papers in the writ petition. Learned counsel would further submit that the subject survey number in the suit and the writ petition is entirely different and he therefore prays for dismissal WMP (MD) No.11569 of 2025.

5. I have carefully considered the submissions advanced on either side.



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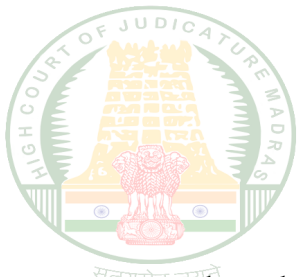
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6. Admittedly, the suit in O.S.No.30 of 2025 has been instituted by the petitioner in WMP(MD)No.11569 of 2025 before the Sub Court, Muthukulathur and the writ petitioner is a party to the said suit and has been arrayed as fourth defendant. The reliefs sought for in the said suit are substantial in nature and the reliefs are in the nature of declaration, setting aside documents etc., Therefore, at the time of hearing the writ petition and disposing of the same, I was not informed about pendency of the suit in O.S.No.30 of 2025. In any event, as on date, survey has not been conducted and officials have not initiated any proceedings on the survey application made by the writ petitioner.

7. Though survey numbers are not identical as rightly pointed out by the writ petitioner, I only find differences because of the sub division numbers and Survey No.308/2 is the survey number which is the subject matter of the suit as well as the writ petition.

8. Since contentious issues are at large and have to be decided by a competent civil court, such unilateral survey, at the instance of one of the parties, cannot be granted. Therefore, I am inclined to recall the order passed in WP No.5602 of 2025 dated 03.03.2025.

9. In the result, WMP(MD)No.11569 of 2025 is allowed and the order passed in W.P.(MD)No.5602 of 2025 dated 03.03.2025 is hereby recalled. However, liberty is



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granted to the writ petitioner to move appropriate application in the pending suit in  
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O.S.No.30 of 2025, seeking necessary reliefs.

Sd/-

12/06/25

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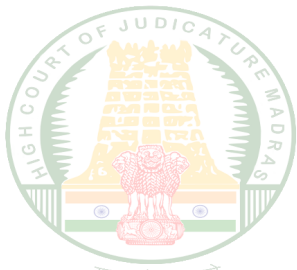
/2025

Sub Assistant Registrar  
(CS - I/ II / III /IV)  
Madurai Bench of Madras High Court,  
Madurai.

sr

To

1. The District Collector,  
Ramanathapuram  
Ramanathapuram District.
2. The Tahsildar,  
Office of the Taluk Office,  
Kamuthi Taluk,  
Ramanathapuram District.
3. The Head Surveyor,  
Office of the Taluk Office,  
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4. The Inspector of Police,  
Kamuthi Police Station,  
Ramanathapuram District



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5.The Addl. Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1 CC to M/s.J.Mohamed Ashik Jaman, Advocate ( SR-33846[F] dated 13/06/2025 )

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in WP(MD)No.5602 of 2025  
12.06.2025**

AVK/04.07.2025 6P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023