



W.A(MD)No.1528 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.07.2025

CORAM

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

**W.A(MD)No.1528 of 2025
and
C.M.P(MD)No.8779 of 2025**

L.Antony Siluvai Raj

... Appellant /
3rd Party

Vs.

1.F.Anthoni Muthu

... 1st Respondent /
Writ Petitioner

2.The Tahsildar,
Thoothukudi,
Thoothukudi District.

3.The Taluk Head Surveyor,
Sathankulam Taluk,
Thoothukudi District.

4.The Inspector of Police,
Thattarmadam Police Station,
Thoothukudi District.

... Respondents 2 to 4 /
Respondents 1 to 3

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order passed by this Court in W.P(MD)No.12399 of 2025 dated 28.04.2025.



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For Appellant : Mr.B.Saravanan
Senior Counsel

For Respondents : Mr.A.Mohamed Haneef for R.1

Mr.N.Satheesh Kumar
Additional Government Pleader
for R.2 & R.3

Mr.T.Senthil Kumar
Additional Public Prosecutor
for R.4

JUDGMENT

(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.This Writ Appeal is directed against the order dated 28.04.2025 made in W.P(MD)No.12399 of 2025 filed by the first respondent herein. The learned single Judge vide order dated 28.04.2025 allowed the writ petition and directed the respondents to conduct survey. It is now brought to our attention that for the very same relief the writ petitioner herein had earlier filed W.P(MD)No. 16548 of 2024 which is still pending adjudication. When a writ petition seeking the same relief on the same cause of action is already pending, it is not open to the petitioner to file a second writ petition. It is also to be noted that in



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the second writ petition, the filing of the earlier writ petition was not disclosed.

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Interestingly, the appellant who was originally shown as the third respondent in the earlier writ petition, was not impleaded as a party in the subsequent petition.

We cannot countenance such conduct. The second writ petition is clearly not maintainable. We however permit the writ petitioner herein to pursue his remedy in W.P(MD)No.16548 of 2024. Order dated 28.04.2025 made in W.P(MD)No.12399 of 2025 is set aside.

3.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.]
30.07.2025

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

To

1.The Tahsildar,
Thoothukudi,
Thoothukudi District.



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- 2.The Taluk Head Surveyor,
Sathankulam Taluk,
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- 3.The Inspector of Police,
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