

WMP(MD). No.12848 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction
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Monday, the Thirtieth day of June Two Thousand and Twenty Five

PRESENT

THE HONOURABLE MR. JUSTICE R.VIJAYAKUMAR

WMP(MD). No.12848 of 2025

in

WP(MD).No.14355 of 2025

S.Natraj

... Petitioner/Petitioner

Vs

1 R.Velayutham

2 The Tahsildar

O/o. the Tahsildar

Andipatti Taluk

Theni District - 625512.

3 The Taluk Head Surveyor,

O/o. the Taluk Head Surveyor

Andipatti Taluk

Theni District - 625512.

4 S.Ramamoorthy

.. Respondents/Respondents

Prayer in WMP(MD).No.12848 of 2025 :-

Writ Miscellaneous Petition filed Under Article 226 of the Constitution of India, to grant leave to file the present writ Miscellaneous petition against the order passed in W.P.(MD).No.14355 of 2025 dated 21.05.2025.



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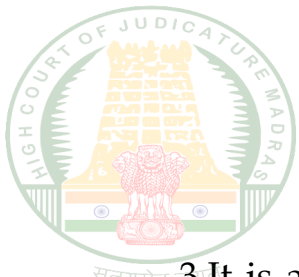
Prayer in WP(MD).No.14355 of 2025 :-

Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the Respondent Nos.1 & 2 to conduct survey and fix four boundaries of the Petitioner's land in Survey No.426/10A2 to an extent of 0.38.0 Ares equivalent to 94 cents in which North Portion 80 cents in which South side to an extent of 65 cents, situated at Andipatti Bit-I, Andipatti Taluk, Theni District.

ORDER:- This Writ Miscellaneous Petition coming up for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr..M.Jerin Mathew, Advocate for the Petitioner and of Mr.M.Maharaja Advocate for the first Respondent and M/s.D.Farjana Ghoushia Special Government Pleader for the appearing Respondent Nos. 2 and 3, this Court made the following order:

The present application has been filed seeking to recall the order passed by this Court dated 21.05.2025, in W.P(MD)No.14355 of 2025.

2.The above said writ petition was filed seeking a mandamus to conduct survey and fix four boundaries of the writ petitioner's land in S.No.426/10A2, situated at Andipatti Bit-I, Andipatti Taluk, Theni District.



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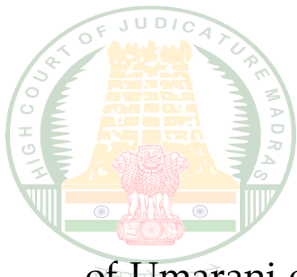
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3. It is admitted by both the parties that one Mr. Ganesan, is the owner of the property. He had sold an extent of 65 cents in favour of the writ petitioner on 03.03.2006. Another extent of 15 cents have been sold by the said Mr. Ganesan in favour of one Umarani for the purpose of maintaining the same as a public pathway.

4. There is a dispute between Umarani and the said Velayutham to the effect that the said 15 cents purchased by the Umarani overlap with the 65 cents purchased by Velayutham. The present application to recall has been filed by one of the plot owners who has purchased the property from Umarani which is a layout adjacent to the present disputed property.

5. The application to recall has been filed primarily on the ground that a civil suit for declaration of title and for permanent injunction is pending. In such circumstances, conduct of the survey would prejudice the rights of the parties before the civil Court.

6. The narration of the above said facts would clearly indicate that there is a civil dispute with regard to the identity of the 15 cents sold by Mr. Ganesan in favour



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of Umarani on 08.03.2011, to the effect that whether it falls within the 65 cents sold by Mr.Ganesan to Mr.Velayutham on 03.03.2006, or not. In such circumstances, this Court is not inclined to interfere in the order passed by this Court on 21.05.2015.

7.The writ petitioner as well as the petitioner in the recall application, are parties in the civil suit. They have to work out their remedy before the civil Court.

8.With the above said observations, the recall application stands disposed of. No costs. Consequently, connected W.M.P.(MD)SR.Nos.50131 & 50133, are also closed in SR stage itself.

Sd/-

ASSISTANT REGISTRAR (CS - III)

// True Copy //

/ /2025

Sub Assistant Registrar
(CS-I / II / III / IV)



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TO
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1. The Tahsildar
O/o. the Tahsildar
Andipatti Taluk
Theni District - 625512.
2. The Taluk Head Surveyor,
O/o. the Taluk Head Surveyor
Andipatti Taluk
Theni District - 625512.
3. The Special Govt. Pleader,
Madurai Bench of Madras High Court,
Madurai



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ORDER DATED : 30/06/2025

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ORDER
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WMP(MD). No.12848 of 2025
in
WP(MD).NO.14355 of 2025

AS - (11.07.2025) 6P/ 4C

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