



C.M.P.(MD)No.10761 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.07.2025

CORAM

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

**C.M.P.(MD)No.10761 of 2025
in
W.A.(MD)No.SR56196 of 2025**

Sundarraaj

... Petitioner

Vs.

1.P.Sathasivam

2.The Tahsildar,
Peravurani Taluk,
Thanjavur District.

3.The Firka Surveyor,
Avanam Firka,
Peravurani Taluk,
Thanjavur District.

4.The Inspector of Police,
Thiruchithambalam Police Station,
Thanjavur District.

... Respondents

Prayer in C.M.P.(MD)No.10761 of 2025 : Miscellaneous Petition is filed under Section 151 of the Civil Procedure Code to grant leave to the



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petitioner to file writ appeal against order passed in W.P.(MD)No.15256 of 2025 dated 05.06.2025 on the file of this Court.

Prayer in W.A.(MD)No.SR56196 of 2025: Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD)No.15256 of 2025 dated 05.06.2025 on the file of this Court.

For Petitioner : Mr.D.R.Murugan

For Respondents : Mr.A.Kannan,
Addl. Government Pleader for R2 & R3.
Mr.T.Senthilkumar,
Addl. Public Prosecutor for R4.

ORDER
(By G.R.SWAMINATHAN, J.)

The petitioner herein seeks leave to file third party writ appeal against the order dated 05.06.2025 made in W.P.(MD)No.15256 of 2025 filed by one Sathasivam / first respondent herein.

2.The first respondent herein filed the said writ petition to direct the revenue authorities to conduct survey in respect of the petition mentioned land. In the affidavit filed in support of the writ petition,



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Sathasivam had mentioned that the petitioner herein is objecting to conduct survey. But the petitioner herein was not shown as party to the writ petition. The writ petition was disposed of by the learned Single Judge on 05.06.2025 in the following terms:-

“6.In view of the statement made by the learned Additional Government Pleader appearing for the respondents 1 and 2, this Court without expressing any opinion on the merits of the matter, is inclined to direct the first respondent to issue notice to the petitioner and the objector and to conduct an enquiry and pass final orders on its own merits within a period of 8 weeks from the date of receipt of a copy of this order.”

3.The grievance of the petitioner is that without giving notice to him, survey is proposed to be held on 17.07.2025.

4.Mr.A.Kannan, learned Additional Government Pleader takes notice for the respondents 2 and 3.

5.The second respondent is directed to issue notice to the petitioner herein. Before conducting survey, the Tahsildar, Peravurani Taluk shall hold an enquiry. The petitioner is permitted to offer his objections. The



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Tahsildar has to pass a speaking order. He has to take into account all the contentions urged by the petitioner herein. If the petitioner's contentions are over-ruled, survey cannot be conducted immediately thereafter. The petitioner will have to be given breathing time of four weeks thereafter so that the petitioner can move the Civil Court and get any interim relief. If the petitioner is not able to get any interim relief even thereafter, survey can go on as scheduled.

6.With the aforesaid observations, this miscellaneous petition is disposed of. No costs. Consequently, W.A.(MD)No.SR56196 of 2025 is also disposed of at the SR stage itself.

(G.R.S. J.) & (K.R.S. J.)
10.07.2025

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