



W.A(MD) No.231 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 09.06.2025

CORAM

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

**W.A(MD) No.231 of 2023
&
C.M.P.(MD)Nos.2814 & 2816 of 2023**

K.Sappani

... Petitioner / 3rd Respondent

Vs

1.Kalieswaran

... 1st Respondent / Writ Petitioner

**2.The Tahsildar,
Thiruppuvanam Taluk,
Thiruppuvanam,
Sivagangai District.**

**3.The Firka Surveyor,
Taluk Office,
Thiruppuvanam,
Sivagangai District.**

**... Respondents 2 & 3 /
Respondents 1 & 2**

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to allow the appeal and set aside the order of the learned Judge of this Court in W.P.(MD)No.8050 of 2022, dated 26.04.2022.



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For Appellants : Mr.S.Anwar Sameem
for Mr.T.Antony Arul Raj

For Respondent : Mr.SP.Vijay Nivas
for R1
: Mr.N.Satheesh Kumar
Additional Government Pleader
for R2 & R3

ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. This writ appeal is directed against the order dated 26.04.2022 made in W.P.(MD)No.8050 of 2022. The appellant herein was shown as the third respondent in the writ petition. But the writ petition was disposed of without notice to him. By the impugned order dated 26.04.2022, the learned single Judge directed the authority to survey and fix the boundaries for the petition mentioned lands.

3. It is seen that the appellant herein had filed an injunction suit against the first respondent and another in O.S.No.65 of 2018 on the file of the District Munsif Court, Manamadurai. It was re-numbered as O.S.No.124 of 2019 on the file of the District Munsif Court,



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Thiruppuvanam. The first respondent had entered appearance and also filed written statement. Subsequently, he remained exparte. An exparte decree came to be passed on 10.02.2020. Set aside petition was of-course filed. The decree came to be set aside only on 28.06.2022. In the meanwhile, W.P.(MD)No.8050 of 2022 came to be filed and allowed on 26.04.2022. It is relevant to note that in the writ petition filed by the first respondent herein, pendency of the suit was not at all disclosed. When the writ petitioner had already entered appearance in the suit and filed a written statement, he ought to have made a fair disclosure. We record a finding that the first respondent had come to the writ Court with unclean hands.

4. In this view of the matter, the order impugned in this writ appeal is set aside. The writ appeal is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.S., J.) (K.R.S., J.)
09.06.2025

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

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Thiruppuvanam Taluk,
Thiruppuvanam,
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