



WMP(MD). No.15244 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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Civil Appellate Jurisdiction

Wednesday, the Sixth day of August Two Thousand and Twenty Five

PRESENT

THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

WMP(MD). No.15244 of 2025

IN

WP(MD)NO.31384 OF 2024

P.S.Luis

... Petitioner

Vs

1 A.Motcha Raja

...Respondent No.1/Writ Petitioner

2 The District Collector,
Theni District
Theni.

3 The Tahsildar
Uthamapalayam Taluk
Theni District.

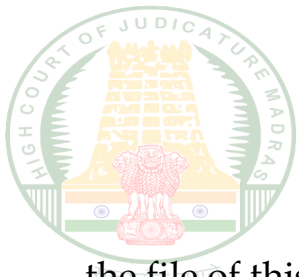
4 The Head Surveyor
Uthamapalayam Taluk
Theni District.

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

Prayer in WMP(MD)No.15244 of 2025. :-

This Writ Miscellaneous Petition filed under Article 226 of the Constitution of India to recall the order dated 02.01.2025 made in W.P.(MD).No. 31384 of 2024 on

<https://www.mhctn.gov.in/judis>



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the file of this Court.

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Prayer in WP(MD). 31384 of 2024 :

Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 2nd and 3rd respondent to survey and demarcate the property based on the application No.2023/0105/25/138320 dated 22.08.2023 and application No.2024/0123/25/003256 dated 16.12.2024 in Survey No.9/34 with an extent of 1653 Sq.Fts situated in Rayappan Patti Village, Theni District.

ORDER:- This Writ Miscellaneous Petition coming upon for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.T.Thirumurugan, Advocate for the Petitioner and of Mr.A.Joseph Jerry Advocate for the first Respondent and Mr.T.Amjad Khan Govt Advocate for the Respondents 2 to 4, this Court made the following order:

This Court has passed an order dated 02.01.2025, directing the respondents 2 and 3 to conduct survey on the property in Survey No.9/34 with an extent of 1653 square feet, situated in Rayappanpatti Village, Theni District, considering the petitioner's application dated 22.08.2023. The patta stands in the name of the petitioner who had filed the Writ Petition and thereafter, in compliance of the order passed by this Court, the second respondent issued notice to the writ petitioner as well as the recall petitioner and called for objection if any from the recall petitioner.



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For which, the recall petitioner duly submitted his objection letter dated 02.06.2025 and the same was duly considered and rejected on 30.06.2025, for the reason that the patta stands in the name of the writ petitioner and that the recall petitioner relying upon pending civil suit in O.S.No.15 of 2012 on the file of the learned Sub Court, Uthamapalayam, has raised objection to demark the boundaries of the property belonging to the writ petitioner. However, since the said civil suit was some other property, the authorities has rightly rejected the claim of the recall petitioner and had proceeded to comply with the order passed by this Court dated 02.01.2025.

2.Recording the same, I do not find any necessity to recall the order passed by this Court. This Writ Miscellaneous Petition is dismissed. The petitioner is given liberty to challenge the rejection order dated 30.06.2025 passed by the second respondent, if so advised.

Sd/-

Assistant Registrar (CS - III)

// True Copy //

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Sub Assistant Registrar

(CS - I/ II / III /IV)

Madurai Bench of Madras High Court,
Madurai.



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TO मेव जयते
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1. The District Collector,
Theni District Theni.
2. The Tahsildar
Uthamapalayam Taluk,
Theni District.
3. The Head Surveyor
Uthamapalayam Taluk,
Theni District.
4. The Special Govt. Pleader,
Madurai Bench of Madras High Court,
Madurai

+1 CC to M/s.SPL.GP (SR-49548[F] dated 07/08/2025)

+1 CC to M/s.THIRUMURUGAN, Advocate (SR-49515[F] dated 07/08/2025)

ORDER DATED : 06/08/2025

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ORDER

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IN

WP(MD)NO.31384 OF 2024

Giving direction and etc.
as stated within.

AVK/25.08.2025 4P/7C

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