

CMP(MD) NO. 11917 of

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25-07-2025**

CORAM

THE HONOURABLE MR JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CMP(MD) NO. 11917 of 2025

IN

WA(MD) SR NO. 61920 OF 2025

S.Shanmugavel

Appellant /
Third party

Vs

1.G.Rajendran

1st Respondent/
Writ Petitioner

2. The Tahsildar,
Vembakottai Taluk,
Virudhunagar District.

3. The Head Surveyor,
O/o.Tahsildar, Vembakottai Taluk,
Virudhunagar District.

Respondents 2 & 3/
Respondents 2 & 3

Prayer in C.M.P(MD)No.11917 of 2025 : Civil Miscellaneous Petition filed under Section 151 of CPC to grant leave to the petitioner to file the Writ Appeal as an aggrieved third party against the order dated 19.06.2025 in W.P(MD)No.16531 of 2025.

Prayer in WA(MD)SR No.61920 of 2025 : Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 19.06.2025 made in W.P(MD)No.16531 of 2025 and allow this Writ Appeal in the interest of justice.



For Petitioner(s):

Mr.Y.Prakash

For Respondent(s):

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Mr.N.Ramesh Arumugam
Government Advocate

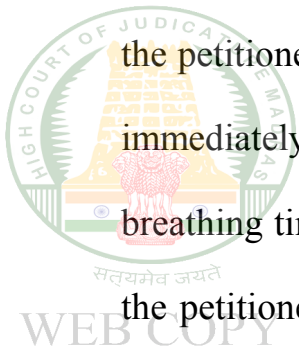
ORDER

(Order of the Court was made by the Hon'ble G.R.SWAMINATHAN J.)

The petitioner herein challenges the order dated 19.06.2025 made in W.P(MD)No.16531 of 2025 filed by the first respondent herein. This is a third party Appeal. The writ petitioner sought survey of the petition mentioned land. The learned single Judge vide order dated 19.06.2025 disposed the Writ Petition in the following terms:

“6. In view of the same, without expressing any opinion on the merits of the matter, the respondents are directed to consider the application of the petitioner dated 29.11.2024 and pass final orders on its own merits and in accordance with law within a period of eight (8) weeks from the date of receipt of a copy of this order, after issuing notice to the petitioner, neighboring land owners and other interested parties.”

2.We are satisfied that the rights of the petitioner herein have been adequately protected. In any event, by way of abundant caution, we direct the Tahsildar, Vembakottai Taluk to issue notice to the petitioner herein (S.Shanmugavel) before passing any final order on the survey application filed by the writ petitioner. In the event the Tahsildar passes an order adverse to the interest of



the petitioner (S.Shanmugavel), it shall be put on hold. The survey shall not be immediately thereafter. The petitioner herein (S.Shanmugavel) shall be given a breathing time of eight weeks so as to approach the Court in the meanwhile. Only if the petitioner herein is unable to obtain any interim relief in the meanwhile, survey shall be held as proposed. We make it clear that we have not gone into the merits of the matter.

3.This Civil Miscellaneous Petition and the Writ Appeal at SR stage are disposed of accordingly.

(G.R.SWAMINATHAN J.) (K.RAJASEKAR J.)
25-07-2025

MGA

To

1.The Tahsildar,
Vembakottai Taluk,
Virudhunagar District.

2.The Head Surveyor,
O/o.Tahsildar, Vembakottai Taluk,
Virudhunagar District.



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G.R.SWAMINATH



and

K.RAJASEKAR, J.

MGA

C.M.P(MD)No.11917 of 2025

in

W.A(MD)SR No.61920 of 2025

25.07.2025