

REV APLW(MD).No.2 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2025

CORAM

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

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

REV.APLW(MD)No.2 of 2025

in

W.P(MD)No.19543 of 2024

and

W.M.P(MD)No.526 of 2025

- 1.Ganesan
- 2.Palaniyappan @ Satheesh
- 3.Prakash
- 4.Muthu

... Petitioners /
Respondents 6 to 9

v.

- 1.A.Ulagappan

... 1st Respondent /
Petitioner

- 2.The District Collector
(Monitoring Committee),
Pudukkottai,
Pudukkottai District.

- 3.The District Revenue Officer,
O/o.The District Revenue Officer,
Collectorate Campus,
Pudukkottai, Pudukkottai District.



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4.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Pudukkottai,
Pudukkottai District.

5.The Tahsildar,
O/o.The Tahsildar Office,
Thirumayam,
Pudukkottai District.

6.Ramesh

... Respondents 2 to 6 /
Respondents 1 to 5

PRAYER: Review Application filed under Order 41 Rule 7 of CPC read with Section 114 of Civil Procedure Code to review and recall the order passed by this Court in W.P(MD)No.19543 of 2024 dated 20.08.2024 and set aside the same.

For Petitioners : Mr.Raja Rajan
for Mr.A.Karthikeyan

For Respondents : Mr.Mohamed Imran
for M/s.Ajmal Associates for R.1

Mr.G.V.Vairam Santhosh
Additional Government Pleader
for R.2 to R.5

ORDER

Heard the learned counsel appearing for the writ petitioner, the learned counsel appearing for the first respondent and the learned Additional Government Pleader appearing for the respondents 2 to 5.



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Considering the nature of relief to be granted, issuance of notice to the sixth respondent is dispensed with.

2.The first respondent herein filed W.P(MD)No.19543 of 2024 for removing encroachments in Survey Nos.383/1, 383/3 and 363/2 in Ayangudi Village, Sengeerai Range, Thirumayam Taluk. The said writ petition was disposed of on 20.08.2024 in the following terms:

“When the matter was taken up for hearing, the learned Government Advocate appearing for the official respondents submitted that the petitioner's allegation that there is encroachment in the petition mentioned water body appears to be true.

2.We direct the fourth respondent to conduct survey of the petition mentioned water body. Notices will be issued to all the interested persons. If the survey exercise reveals that there is encroachment, individual notices will be issued to all the encroachers and adhering to due process of law, the encroachments shall be removed. The entire exercise shall be completed within a period of five months from the date of receipt of a copy of this order.”

Aggrieved by the said order, the present Review Application has been filed. We do not want to go into the merits of the matter.



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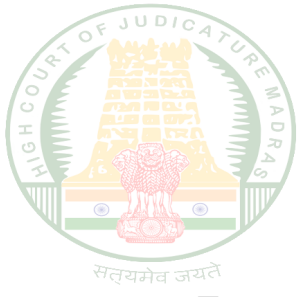
3.The learned Additional Government Pleader fairly admitted that it was erroneously submitted on the earlier occasion that Survey Nos.383/1, 383/3 and 363/2 are “water bodies”. It is now stated that Survey Nos. 383/1, 383/3 were classified as “Tharisu” and Survey No.363/2 is a patta land.

4.We are therefore of the view that this Court could not have even taken cognizance of this Writ Petition. In this view, the order dated 20.08.2024 made in W.P(MD)No.19543 of 2024 is set aside.

5.This Review Application is allowed. W.P(MD)No.19543 of 2024 is restored to file. Registry shall place this Writ Petition before the Hon'ble Division Bench holding the roster. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [B.P., J.]
10.01.2025

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



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