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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Tuesday, the Twenty Eighth day of January
Two Thousand and Twenty Five

PRESENT

The HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

WMP(MD).No.23872 of 2024

in

WP(MD).NO.17191 OF 2024

Fathima Jinna

Petitioner/4th Respondent

Vs

1.Sasikala

2.The Tahisildar,
Paramakudi Taluk,
Ramanathapuram District.

3.The Surveyor,
Paramakudi Taluk,
Ramanathapuram District.

4.The Inspector of Police,
Parthipanoor Police Station,
Ramanathapuram District.

Respondents/Respondents

Prayer in WMP(MD). No.23872 of 2024 :-

Writ Miscellaneous Petition is filed under Article 226 of the Constitution of India to recall the order dated 26/07/2024 made in WP.(MD).No.17191 of 2024.



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Prayer in WP(MD).NO.17191 OF 2024:

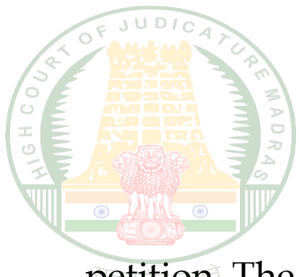
Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus to direct the Respondent No.1 & 2 herein to conduct survey and demarcate four boundaries in respect of the property comprised in Sur.No.500/5 situated at Melaparthibanoor Revenue Village, Paramakudi Taluk, Ramamnathapuram District with the aid of the Respondent No.3 and Consequently direct the respondent No.1 & 2 to issue survey report within a stipulated time period in accordance with law on the basis of the application dated 18/07/2023 and representation dated 01/02/2024.

ORDER:- This Petition coming on hearing on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.PT.S.Narendravasan, Advocate for the Petitioner and of Mr.K.S.Selvaganesan, Addl.Government Pleader for the Respondents 2 to 4, this Court made the following order:

Heard both sides.

2.The first respondent herein filed W.P.(MD)No.17191 of 2024 for conducting survey in respect of the petition mentioned land. The said writ petition was disposed of by me on 26.07.2024 by passing the usual set of directions. For recalling the same, the fourth respondent in the writ petition filed this miscellaneous petition.

3.I am of the view that there is no need to recall the order passed by this Court. The writ petitioner had arrayed the petitioner herein one of the respondents in the writ



petition. The directions 4 and 5 read as follows:-

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“(IV) Enquiry shall be held. During enquiry, objections raised by the adjacent land owners / interested persons shall be considered.

(V) If according to the jurisdictional authority, the objections are without any basis, the same shall be overruled and the objectors shall be informed accordingly. But the survey will be conducted only after a period of six weeks so that the objector can move the concerned Court for injunction. If before the proposed date of survey, the objector is unable to obtain any injunction order, the survey can very well go on. If any suit is filed, subject to plaint being in order, it shall be numbered immediately. If any interlocutory application is filed, it shall be disposed of on merits and in accordance with law within a period of four weeks thereafter.”

3. These two directions enable the petitioner to offer her objections. The authority is expected to consider the objections and pass a speaking order. Even if it is adverse to the petitioner, survey cannot be held immediately. The petitioner has to be given breathing time. In this case, the learned counsel for the petitioner states that the petitioner had already filed O.S.No.102 of 2023 on the file of the Sub Court, Paramakudi seeking declaration and permanent injunction against the writ petitioner. The learned counsel for the writ petitioner states that the suit property



covered in the said suit and the property that is the subject of W.P.(MD)N.17191 of 2024 are different. I do not want to go into the factual aspect at all. The parties can work out their rights in terms of the directions already issued by this Court.

4.This writ miscellaneous petition is disposed of accordingly.

Sd/-

Assistant Registrar (Cs - III)

// True Copy //

/02/2025

Sub Assistant Registrar
(CS-I / II / III / IV)

TO

1.The Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.

2.The Surveyor,
Parmakudi Taluk,
Ramanathapuram District.

3.The Inspector of Police,
Parthipanoor Police Station,
Ramanathapuram District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.PT.S.Narendravasan, Advocate S.R.No.5769

<https://www.mhc.tn.gov.in/judis>



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ORDER DATED: 28/01/2025

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ORDER

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WMP(MD).No.23872 of 2024
in
WP(MD).NO.17191 OF 2024

AS -(12.02.2025) 5P/ 6C

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