



C.M.P.(MD) No.19298 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.12.2025

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

**C.M.P.(MD) No.19298 of 2025
in
W.A.(MD) SR No.100299 of 2025**

M.Petchiyammal

... Petitioner

-VS-

1.Kumar

2.The Tahsildar
Tahsildar Office
at Tiruchendur
Tiruchendur Taluk
Thoothukudi District

3.The Land Surveyor
Tahsildar Office
Tiruchendur
Tiruchendur Taluk
Thoothukudi District

4.The Revenue Inspector
Tahsildar Office
Tiruchendur
Tiruchendur Taluk
Thoothukudi District



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5.The Village Administrative Officer
Kayamozhi Village
Therikudieruppu
Tiruchendur Taluk
Thoothukudi District

... Respondents

PRAYER: Petition filed under Section 151 of the Code of Civil Procedure to grant leave to the petitioner to file a writ appeal as against the order passed by this Court, dated 05.08.2025 in W.P.(MD) No.21359 of 2025.

For Petitioner : Mr.P.Jeyasankar

For Respondents : Mr.S.R.A.Ramachandran
Additional Government Pleader for R2 to R5

ORDER

[Order of the Court was made by DR.G.JAYACHANDRAN, J.]

Alleging that though online applications were made to the Surveyor seeking to survey the land in S.F.Nos.639/3, 405/1F and 405/1G3 of Therikudieruppu, Kayamozhi Village, Thiruchendur Taluk, Thoothukudi District, the Surveyor has not taken steps to survey the said land, the first respondent / writ petitioner filed the writ petition in W.P.(MD) No.21359 of 2025.



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2. In the affidavit filed in support of the said writ petition, the writ petitioner has specifically stated that there is a dispute between him and the petitioner herein and in this connection, a suit in O.S.No.57 of 2025 was filed and the same is pending before the District Munsif Court, Thiruchendur.

3. Having stated about the pendency of the said civil suit, the writ petitioner chosen not to implead the petitioner herein in the said writ petition as a party respondent and obtained the impugned order behind back of the petitioner herein. Hence, the present civil miscellaneous petition.

4. This Court finds that often writ petitions are filed suppressing the pendency of the civil suits or without impleading the defendants in the suit as a party respondents in the writ petition and the writ petitioners get orders behind their back at the admission stage itself. Hence, this Court earlier directed the Registry not to number such writ petitions, if the probable interested parties disclosed in the affidavit are not arrayed as party respondents in the writ petitions. Since in this case also, the probable interested parties, namely, the petitioner herein was not arrayed as a party respondent in the writ petition, though a reference was made in the affidavit



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filed in support of the writ petition and obtained an order behind back of the petitioner herein, we are inclined to grant leave to the petitioner herein to file a writ appeal as a third party as against the order passed by the learned Single Judge.

5. Accordingly, this civil miscellaneous petition to grant leave to the petitioner to file a writ appeal as third party as against the order passed by the learned Single Judge, dated 05.08.2025 in W.P.(MD) No.21359 of 2025, is allowed and the petitioner is granted leave to prefer a writ appeal as third party as against the said order.

6. Registry is directed to number the writ appeal, if the papers are otherwise in order, and post the same for admission in the usual course.

[G.J., J.]

[K.K.R.K., J.]

11.12.2025

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

krk



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