



Rev aplcw(md) No.47 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 11.07.2025

Pronounced on : 20.01.2026

CORAM

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

Rev.Aplcw(MD)No.47 of 2024

and

WMP(MD)Nos.4774 & 7214 of 2025

1.K.R.Mani

... Petitioner/3rd Party

Vs.

1.M.Kandhasamy

...1st respondent/petitioner

2.The District Revenue Officer,
Trichy, Trichirappalli District.

3.The Tahsildar,
Trichy West, Cantonment,
Trichirappalli District.

4.The Assistant Director of Land
Surveyor Section,
Tiruchirappalli District.

5.The Land Surveyor,
Ponmalai Zone,
Tiruchirappalli District.

6.The Commissioner,
Tiruchirappalli Corporation,
Cantonment, Tiruchirappalli District.



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7.The Principal Town Surveyor,
Tiruchirappalli Corporation,
Ponmalai Kottam,
Near TVS Tollgate,
Tiruchirappalli District.

... Respondents

(Respondents 6 & 7 were impleaded
vide order dated 09.11.2022)

Prayer: Review Application filed under Order 41 Rule 1 r/w. 114 of CPC, to
review the order passed in WP(MD)No.24382 of 2022 dated 24.02.2023.

For Petitioners : Mr.I.Irulappan

For Respondents : Mr.Niranjan S.Kumar for R1

Mr.A.Kannan,
Additional Government Pleader for R2 to R7

ORDER

The applicant herein seeks review of the order dated 24.02.2023 made
in WP(MD)No.24382 of 2022 filed by the first respondent herein.
M.Kandhasamy filed the said writ petition seeking survey of the properties
comprised in the petition mentioned survey numbers. The writ petition was
disposed of by me by issuing the following directions :

“(I) The survey authority will issue notice to the writ
petitioner as well as the adjacent land owners and also to the
interested persons, if any.



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

(III) If according to the jurisdictional authority, the objections are without any basis, the same shall be overruled and the objectors shall be informed by a speaking order. 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. It is open to the parties to serve memo on instructions to the surveyor at the time of conducting the survey. The same will be borne in mind. While it cannot be binding on the surveyor, the same will be taken note of.

(IV) If the jurisdictional authority finds objections to be having substance, then, he shall call upon the applicant to move the jurisdictional civil Court for agitating his rights.

(V) If required, the survey authority is empowered to seek aid of the jurisdictional police and the jurisdictional police are mandated to grant police protection.

(VI) It is made clear that at the end of the survey exercise, survey stones alone can be installed. The exercise of survey and demarcation undertaken pursuant to the direction of this Court can never result in dispossession of any party. No person shall put up fencing at the time of survey by using police aid. The Survey Authority will pass order within a period of six weeks after service of notice on the interested persons.



(VII) A copy of the survey report will be served on the parties also.”

2.The grievance of the review applicant is that in the guise of conducting survey, the superstructure put up by him in one of the petition mentioned survey numbers was demolished. The matter was heard at length. During one such hearing on 02.04.2025, Thiru.V.Yogarajan, Zonal Deputy Tahsildar who was present when the survey was conducted, confirmed that the structure shown in the photograph produced by the review applicant did exist. Survey was conducted on 12.01.2024 and 13.01.2024. The area of the site in which the structure was located had been fenced and the structure is not available. I am more than satisfied that the review applicant was a necessary party to the writ proceedings and an order to his prejudice could not have been passed without hearing him. The authorities had apparently issued notice to the review applicant but admittedly it was never served on him. During the pendency of the review application, the writ petitioner has also sold the property. The writ petitioner obviously had taken advantage of the order passed by me behind the back of the review applicant who has a substantial stake in the matter. No order passed in violation of the principles of natural justice can be allowed to stand.



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3.I am satisfied that the order passed by me suffers from an error apparent on the face of the record. The writ petitioner obviously knew that there are rival parties. He had consciously and deliberately not impleaded them as respondents in the writ petition. The writ petition suffers from the vice of non-joinder of necessary parties. The order dated 24.02.2023 in WP(MD)No.24382 of 2022 is set aside. It is only just and proper that the matter is heard afresh. It is needless to mention that the writ petitioner cannot take advantage of the results of the survey exercise undertaken pursuant to the direction given by me. The matter has to be necessarily heard afresh. The writ petitioner is obliged to implead the review applicant.

4.This review application is allowed. No costs. Connected miscellaneous petitions are closed. Registry is directed to list the writ petition before the Hon'ble Judge holding the roster.

20.01.2026

SKM

To

- 1.The District Revenue Officer, Trichy, Trichirappalli District.
- 2.The Tahsildar, Trichy West, Cantonment, Trichirappalli District.

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- 3.The Assistant Director of Land Surveyor Section,
Tiruchirappalli District.
- 4.The Land Surveyor, Ponmalai Zone, Tiruchirappalli District.
- 5.The Commissioner, Tiruchirappalli Corporation,
Cantonment, Tiruchirappalli District.
- 6.The Principal Town Surveyor, Tiruchirappalli Corporation,
Ponmalai Kottam, Near TVS Tollgate, Tiruchirappalli District.



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G.R.SWAMINATHAN, J.

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