



CMP(MD). No.15832 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 06/04/2026

CORAM

THE HONOURABLE MR. JUSTICE P.B. BALAJI

CMP(MD). No.15832 of 2025 in
SA(MD).No.400 of 2021

E.Geetha

... Petitioner

Vs

1. P.Manickam
2. K.Raju
3. V.Meganathan
4. The Executive Engineer,
Highway Department,
Bunglowmedu,
Theni District..
5. The Tahsildar,
Theni Taluk,
Theni District..
6. The District Collector,
Theni District,
Theni..
7. The Superintending Engineer,
Construction and Maintenance,
State Highway Department,
Madurai.



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8. The District Revenue Officer,
Theni District.

... Respondents

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PRAYER :-

To send for the documents to this Honourable Court more specifically herein below mentioned to this file of S.A.(MD) No.400 of 2022 available on the file of batch writ appeals W.A(MD) No.859 to 863 of 2013 and 1257 of 2015 and writ petitions W.P.(MD) No.16695 of 2012, 10095, 11919, 14035, 16733, 16734, 16924 of 2013, 3791 and 5204 of 2014, 3076 and 22895 of 2019 disposed on 02.11.2023 by the Honourable Division Bench and thus render justice.

For Petitioner : Mr. S.Ramesh,
Advocate.

For Respondent : Mr.H., Arumugam

ORDER

This petition has been filed seeking a direction to call for the documents, more specifically mentioned herein below, to be tagged with the file in S.A.(MD) No.400 of 2022 from the records available in the batch of writ appeals in W.A.(MD) Nos.859 to 863 of 2013 and 1257 of 2015, and writ petitions in W.P.(MD) No.16695 of 2012; Nos.10095, 11919, 14035, 16733, 16734, and 16924 of 2013; Nos.3791 and 5204 of 2014; and Nos.3076 and 22895 of 2019, which were disposed of on 02.11.2023 by the Honourable Division Bench of this Court.



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2. The petition seeking to call for documents from the writ side of this Court is opposed on the ground that no application has been filed for adducing additional evidence and in the absence of the same, the appellant cannot place reliance on any documents which are not before this Court, either marked at the trial stage or at least produced during the first appeal or second appeal.

3. Mr. Ramesh, learned counsel for the petitioner would submit that the documents sought are necessary and are either relied upon by the respondents or form part of the typed set of papers filed in the batch of writ appeal proceedings and unless the first respondent is in a position to ascertain the character and nature of the documents relevant for adjudication in the second appeal, the respondents will not be in a position to file an application under Order XLI Rule 27 CPC.

3. Mr. H.Arumugam, learned counsel for the first respondent, would further submit that there is no bar for the first respondent to file



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such an application even after the records are received and tagged along with the second appeal.

4. This petition is also opposed on the ground of delay, inasmuch as, despite several adjournments in the second appeal, which was admitted on 28.11.2023, the respondents have not taken diligent steps to call for the relevant documents.

5. Considering the fact that the petitioner was also a party to the writ appeal proceedings and that in the said proceedings a Commissioner was appointed and the Commissioner's report has also been relied upon, I do not find that mere delay should stand in the way of the first respondent seeking a direction to call for the documents in W.A.(MD) Nos.859 to 863 of 2013 and 1257 of 2015, heard along with W.P.(MD) No.16695 of 2012, 10095, 11919, 14035, 16733, 16734, and 16924 of 2013, 3791 and 5204 of 2014 and 3076 and 22895 of 2019, which were disposed of on 02.11.2023.

6. In the light of the above, I am inclined to allow this petition, and



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accordingly, this petition is allowed.

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7. Registry is directed to place the writ appeals and writ petitions papers along with the second appeal for further hearing on 21.04.2026, after obtaining appropriate orders from the Hon'ble Administrative Judge.

06.04.2026

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P.B. BALAJI, J.,

trp

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SA(MD).No.400 of 2021

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