



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2026

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

**WMP(MD).No.21831 of 2025
in WP(MD).No.10103 of 2025**

Ayyanar

Petitioner

Vs

1.The Tahsildar,
Dindigul West Taluk,
Dindigul District.

2.The Taluk Surveyor,
Dindigul West Taluk,
Dindigul District.

3.The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.

4.Nagaraj

Respondent(s)

Prayer: Writ Miscellaneous Petition filed under Article 226 of Constitution of India, to recall the order passed in W.P.(MD).No.10103 of 2025 on 16.04.2025 and permit the petitioner to file counter and decide the case on merits.

For Petitioner : Mr.K.Muthumalai
For Respondents: Mr.B.Prasanna Vinoth

ORDER



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The petitioner is the 4th respondent in W.P.(MD).No.10103 of 2025. In and by an order dated 16.04.2025, I had directed a survey to be conducted and in the event of the objections being sustainable, the survey authorities were directed to relegate the parties to the civil Court, giving liberty to the writ petitioner to take out an application to survey in the pending suit. Subsequently, it appears that in a Memorandum in Va.Pa.No.49/2025/F dated 06.10.2025, in view of the pendency of the suit, the Tahsildar, Dindigul West Taluk, has not proceeded to conduct survey and matters stand there.

2.The learned counsel for the writ petitioner would fairly bring to my notice that the civil suit filed by the 4th respondent in O.S.No.113 of 2022 is at the final stages of trial and it is being adjourned for cross examination of defendants witnesses in the suit before the Sub Court, Dindigul.

3.In the light of the above and the fact that till date, the survey has not been conducted, it would suffice to dispose of this writ miscellaneous petition in the following manner:

(i) The Writ Miscellaneous Petition is ordered.

(ii) The learned Sub-Judge, Dindigul is directed to dispose of O.S.No.



113 of 2022 on merits, after hearing the arguments of the parties, considering that trial has already been concluded, by 31.03.2026.

(iii) Subject to the decision in the suit, the order in W.P(MD).No. 10103 of 2025, the survey, based on the writ petitioner's application, shall be proceeded with.

09.01.2026

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To

1.The Tahsildar,
Dindigul West Taluk,
Dindigul District.

2.The Taluk Surveyor,
Dindigul West Taluk,
Dindigul District.

3.The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.

4.The Sub-Judge, Dindigul.

WMP(MD).No.21831 of 2025

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