

W.A(MD)No.2123 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.08.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD)No.2123 of 2025
and
C.M.P(MD)No.12192 of 2025**

1.S.Sathiyaraj
2.S.Mayilraj

... Appellants /
3rd Parties

Vs.

1.T.Jothiyammal

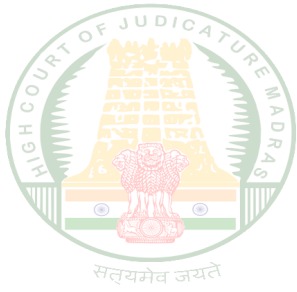
... 1st Respondent /
Writ Petitioner

2.The Tahsildar,
Nilakottai Taluk,
Dindigul District.

3.The Taluk Surveyor,
Nilakottai Taluk,
Dindigul District.

... Respondents 2 & 3 /
Respondents 1 & 2

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to allow the Writ Appeal and set aside the order in W.P(MD)No.28143 of 2024 dated 26.11.2024 on the file of this Court.



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For Appellants : Mr.M.Mahaboob Fazil

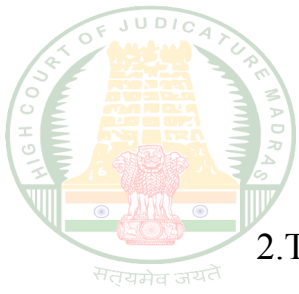
For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

JUDGMENT

(By G.R.SWAMINATHAN, J.)

This Writ Appeal is directed against the order dated 26.11.2024 made in W.P(MD)No.28143 of 2024 filed by one Jothiyammal. The said Jothiyammal was assigned with a piece of land. According to the writ appellants, the assignment order has to be cancelled. In fact, he had earlier filed W.P(MD)No. 5674 of 2025 seeking disposal of his revision petition for cancellation. The learned single Judge vide order dated 11.03.2025 disposed of the said writ petition in the following terms:

“4. Without going into the merits of the entitlement of the petitioner to seek cancellation of the assignment, this writ petition is disposed of with a direction to the first respondent to consider the petitioner's request for cancellation of the assignment in favour of Jothiyammal after hearing the petitioner as well as the said assignee Jothiammal, in accordance with law, on merits. The said exercise shall be carried out within a period of eight weeks from the date of receipt of a copy of this order.”



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2.The request of the appellants is that in the meanwhile survey should not be conducted. When Jothiyammal is having assignment order in her favour, we fail to understand as to how the appellants can be aggrieved by the conduct of the survey. In any event, we clarify that even if survey is conducted at the instance of Jothiyammal, the right of Jothiyammal would abide by the outcome of the revision petition filed by the appellants herein.

3.This Writ Appeal is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [K.R.S., J.]
04.08.2025

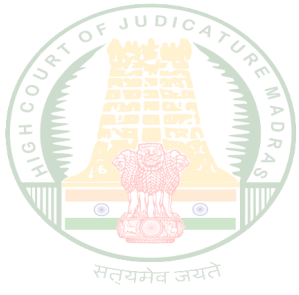
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Internet : Yes / No
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To

1.The Tahsildar,
Nilakottai Taluk,
Dindigul District.

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

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and

K.RAJASEKAR, J.

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