



REV.APLW.(MD)No.241 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2026

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

REV.APLW.(MD)No.241 of 2025

in

W.P.(MD)No.9896 of 2025

and

W.M.P.(MD)No.27781 of 2025

R.Muthuraman

... Petitioner

Vs.

1.Hemanth Kumar

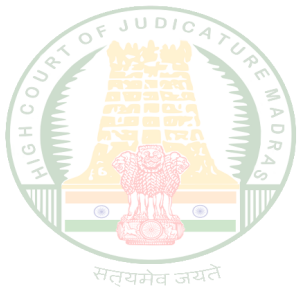
2.The Commissioner,
Aranthangi Municipality,
Pudukkottai District.

...Respondents

PRAYER: Review application filed under Order XLVII Rule 1, r/w.
Section 114 of Civil Procedure Code, to review the order dated
15.04.2025, made in W.P.(MD)No.9896 of 2025.

For Petitioner : Mr.P.Rajagopalan

For Respondent No.1 : Mr.M.Sridharan



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For Respondent No.2 : Mr.S.Kameswaran

Government Advocate

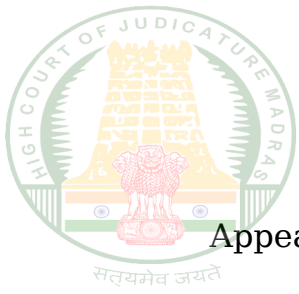
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ORDER

Heard Mr.P.Rajagopalan, learned Counsel for the review applicant as well as the Mr.M.Sridharan, learned Counsel for the first respondent / writ petitioner and Mr.S.Kameswaran, learned Government Advocate appearing for the statutory respondent.

2.Learned Counsel for the review applicant, inviting my attention to the pending Second Appeal before this Court in S.A.No. 1383 of 2004, would state that the writ petitioner espouses the cause of Bajanai Madam, whose title has been rejected by the First Appellate Court, as against which the above Second Appeal is pending before this Court.

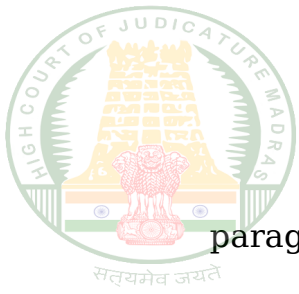
3.The grievance of the review applicant is that the respondent in the Second Appeal being the review applicant, is seriously prejudiced by the order directing survey. In this regard, he would take me through the findings of the First Appellate Court. The first respondent / writ petitioner, however, states that the petitioner is not in any way connected to the suit and he is not a party to the Second



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Appeal and therefore, pendency of the Second Appeal would not come in the way of the survey to be conducted based on the petitioner's separate application made on 03.03.2025. Learned Government Advocate would state that in paragraph No.3 of the order dated 15.04.2025, this Court directed the respondent to conduct survey upon hearing the objections of all the parties and in such circumstances, the review applicant can also participate and give his objections and it is not necessary to review the order passed in the Writ Petition.

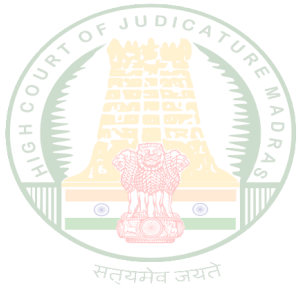
4.I have carefully considered the submissions advanced by the learned Counsel for the parties. Though the petitioner contends that he is not a party to the pending Second Appeal and the judgment in A.S.No.79 of 2002, would not have a bearing insofar as the petitioner's survey application, I find from the suit property which is subject matter of S.A.No.1383 of 2004 that S.No.45/1 alone is the subject matter of the dispute. Suit has been filed by Harihara Bajanai Madam, by its trustee one A.B.R.Janarthanan. No doubt, it appears on going through the array of parties that the writ petitioner seems to be not an interested party in the suit and the Second Appeal, however, on going through the affidavit filed in support of the Writ Petition, at



paragraph No.2 it is clear that the petitioner seeks survey in respect of the very same property namely Survey No.45/1, and the subsequent averment is to the effect that the petitioner claims survey of the Bajanai Madam only. When the First Appellate Court has not recognised title and interest of the said Mutt, it would not be proper for the writ petitioner in independent capacity to seek survey. The survey is certainly one on behalf of the appellant Bajanai Madam alone.

5.The *lis* is still at large and pending final adjudication in S.A.No.1383 of 2004. In such circumstances, it would not be proper for the survey authorities to now dispose of the writ petitioner's survey application dated 03.03.2025. The hearing of the review application before passing any orders would also not provide full-proof solution, considering that this Court is seized of the very same subject matter in S.A.No.1383 of 2004.

6.In the light of the above, I am inclined to re-call the order dated 15.04.2025. The Writ Petition is disposed of, with a direction to the petitioner to revive his request for survey in the event of the Second Appeal being ultimately allowed.



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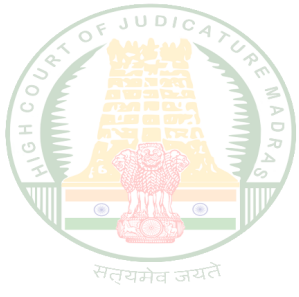
7. Accordingly, this Review Application stands allowed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

09.03.2026

Index : Yes / No

Internet : Yes / No

MR

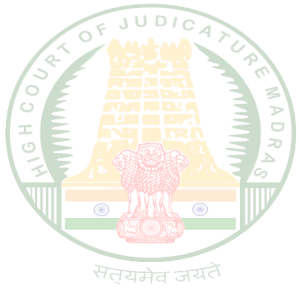


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To
The Commissioner,
Aranthangi Municipality,
Pudukkottai District.



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P.B.BALAJI,J.

MR

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