



C.R.P.(MD)No.3185 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.3185 of 2023

and

C.M.P.(MD)No.16412 of 2023

R.Prabakaran

... Petitioner/
Petitioner/
Plaintiff

Vs.

1. The Executive Officer,
Arulmigu Singaperumal Thirukoil,
A/m. Kailasanathar Thiru Kovil,
Thanjavur Palace Devasthanam,
Thanjavur.
2. The Assistant Commissioner,
Arulmigu Singaperumal Thirukoil,
A/m. Kailasanathar Thiru Kovil,
Thanjavur Palace Devasthanam,
Thanjavur.
3. Thanjavur Palace Devasthanam
represented by tis Hereditary Trustee,
having their office and place of
business at Sardar Madi Palace,
Thanjavur.

... Respondents/
Respondents/
Respondents



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Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records in I.A.No.446 of 2022 in O.S.No.217 of 2022 on the file of the Principal District Munsif Court, Thanjavur and set aside the docket order dated 20.07.2023.

For Petitioner : M/s.V.Sebastinal Preethi

For R2 : Mr.A.Baskaran
Additional Government Pleader

ORDER

The Civil Revision Petition is directed against the order passed in I.A.No.446 of 2022 in O.S.No.217 of 2022 dated 20.07.2023, closing the injunction application.

2. The revision petitioner/plaintiff has filed the suit in O.S.No.217 of 2022 to declare that the revision petitioner/plaintiff and his family members alone are having fishery right over the suit tank and has filed an injunction application in I.A.No.446 of 2022, claiming temporary injunction restraining the respondents/defendants and their men from conducting auction of the tank.

3. It is seen from the records that issues were framed on 20.07.2023 and the learned trial Judge, by observing that issues were framed and the



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suit is ripe for trial, without prejudice to both parties, closed the application.

4. It is seen from B-Diary that the revision petitioner/plaintiff, at no point of time has pressed for enquiry and in some of the hearing, at the request of the parties, the case was adjourned.

5. When the matter is taken up for hearing today, the learned Additional Government Pleader appearing for the second respondent would submit that pending suit, no auction was conducted.

6. Since the injunction application was pending for the past more than one year without any progress and taking note of the fact that the suit is ripe for trial, the learned trial Judge has rightly closed the application. But there is absolutely no bar or prohibition for the revision petitioner/plaintiff to file another application for temporary injunction if the respondents/defendants makes any attempt to auction the tank.

7. Considering the above, the impugned order closing the application cannot be found fault with. Hence, this Court concludes that



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the revision is devoid of merit and the same is liable to be dismissed.

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8. In the result this Civil Revision Petition is dismissed. However, the revision petitioner is at liberty to file a fresh application for temporary injunction, if the situation warrants. Consequently, connected Miscellaneous Petition is closed. No costs.

11.12.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

1. The Principal District Munsif Court,
Thanjavur.
2. The Assistant Commissioner,
Arulmigu Singaperumal Thirukoil,
A/m. Kailasanathar Thiru Kovil,
Thanjavur Palace Devasthanam,
Thanjavur.
3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
C.R.P.(MD)No.3185 of 2023
and
C.M.P.(MD)No.16412 of 2023

Dated : 11.12.2023