

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2015

CORAM

THE HONOURABLE MS.JUSTICE R.MALA

CRP (PD).No.4092 of 2015

and

M.P.No.1 of 2015

1.Mayakrishnan  
2.Pachagrounder  
3.Kanniappan  
4.Muniyan  
5.Rajamanickam  
6.Muthu

.. Petitioners

Vs

Ramasamy

.. Respondent

Prayer:Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 22.04.2015 made in I.A.No.111 of 2015 in O.S.No.49 of 2013 on the file of the District Munsif Court, Dharmapuri.

For Petitioner : Mr.R.P{rabakar

**ORDER**

The Civil Revision Petition is filed against the order dated 22.04.2015 made in I.A.No.111 of 2015 in O.S.No.49 of 2013 on the file of the District Munsif Court, Dharmapuri.

2.The respondent as a plaintiff filed a suit for injunction restraining the defendants and their men from interfering with the plaintiff's peaceful possession and enjoyment of the suit property and not to evict the plaintiff except by due process of law. The defendants filed the written statement and contested the suit. During the pendency of the suit, the defendants 1 to 6 filed an application in I.A.No.111 of 2015 for rejection of the plaint on the ground that there is no cause of action for filing the suit. The Trial Court after hearing both sides, has dismissed the application. Against which, the present Civil Revision Petition has been filed by the petitioners/defendants.

3.Learned counsel for the petitioners/defendants 1 to 6 submitted that the suit property has been purchased by the plaintiff through the sale deed dated 29.09.1999. He further submitted that the suit property is a Government poramboke land which was used as playground for the school, but the respondent herein has encroached upon the property and put up a pole and hoisted the flag belong to the political party. Hence the petitioners want the property to be used for the public purpose as a playground for the school. He would also submitted that the Government officials, namely, the defendants 7 to 9 have taken steps for evicting but on showing the plaint, the Officials have

not taken any steps. That factum was not considered by the Trial Court. Hence, he prayed for rejecting the plaint on the ground of non-disclosure of cause of action.

4. At the time of admission, the argument of the learned counsel for the petitioner is heard in length.

5. The respondent as a plaintiff filed a suit for bare injunction stating that she shall not be evicted without due process of law stating that he purchased the property on 29.09.1999 under a registered sale deed. The petitioners/defendants 1 to 6 and other defendants have stated that the respondent/plaintiff has encroached upon the Government poramboke land and put up a pole and hoisted his party flag. Since the petitioners/defendants 1 to 6 as well as the other defendants have attempted to interfere his peaceful possession, he was constrained to file a suit for injunction stating that he cannot be evicted except under due process of law and till then he sought for injunction. It is pertinent to note that the defendants 1 to 6/petitioners herein have filed an application for rejection of the plaint for non-disclosure of cause of action. But considering the prayer and paragraph No.7 of the plaint, shows the disclosure of cause of action. It is well settled dictum of the Hon'ble Apex Court that cause of action is not a single event but it is a bundle of facts

that can be decided only at the time of trial. It is also pertinent to note that the plaint averments itself shows that the property is a Government poromboke, the respondent/plaintiff has encroached upon the same and he is in possession which is not a patta land. In such circumstances, the Government officials alone has the right to issue a notice and act as per law. Further, the respondent/plaintiff has not sought for blank permanent injunction but he has sought for injunction restraining the defendants from interfering his peaceful possession and enjoyment of the suit property and not to evict him except by due process of law. So, I am of the view that the cause of action for the suit has been properly disclosed. That factum was rightly considered by the Trial Court. Hence, I do not find any reason to interfere with the finding of the Trial Court and the impugned order passed by the Trial Court is hereby confirmed. Consequently, the Civil Revision Petition is hereby dismissed.

6. In the result, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

**21.12.2015**

Index: Yes/No  
Internet: Yes/No  
cse

R.MALA. J.,

cse

To

The District Munsif Court, Dharmapuri.

CRP(PD).No.4092 of 2015

and

M.P.No.1 of 2015

21.12.2015