

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2015

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P.(PD) No.886 of 2015

And

M.P.No.1 of 2015

S.Balasubramanian

... Petitioner

Vs.

1.Ms.D.G.Selvi

2.Commissioner
Thiruvathipuram Corporation
Cheyyar Town
T.V.Malai District.

3.Prakash

... Respondents

Prayer:

Petition filed under Section 115 of Civil Procedure Code praying to set aside the order dated 10.06.2014 made in C.M.A.No.9 of 2011 against I.A.No.633 of 2008 in O.S.No.262 of 2008 on the file of the Sub Court at Cheyyar by allowing the above revision petition.

For Petitioner : Mr.K.Balamurali
for M/s.Shivakumar

O R D E R

This revision is directed against the order passed by the Sub Court, Cheyyar in C.M.A.No.9 of 2011.

2.The first respondent had instituted the suit originally against the Commissioner, Thiruvathipuram Municipality and one Prakash alleging that the first defendant Municipality is attempting to form a drainage in the property belonging to the plaintiff. The second defendant is a contractor undertook to construct the drainage. The petitioner is the owner of the neighbouring property got impleaded himself as third defendant in the suit.

3.The plaintiff had filed an application for interim injunction in I.A.No.633 of 2008. The District Munsif, Cheyyar dismissed the application on 29.08.2011. Aggrieved by the order, the plaintiff preferred an appeal before the Sub Court, Cheyyar. The learned Appellate Judge relying upon the evidence of the Taluk Surveyor and Head Surveyor from the Thasildhar office granted interim injunction. Challenging the order, the present revision is filed.

4.Heard the learned counsel for the petitioner and perused the records.

5.It is seen that the specific case of the plaintiff is that the Municipality attempted to construct a drainage in the property

belonging to the plaintiff. The evidence of Taluk Surveyor and Head Surveyor would show that the defendant attempted to construct a drainage in the land of the plaintiff. The petitioner is the neighbouring land owner. The defendants 1 and 2 have not challenged the order of the Sub-Court, Cheyyar.

6.I do not find any illegality or irregularity in the order impugned in this revision petition. In the result, this civil revision petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

7.However, considering the pendency of the case since 2008 and the nature of the prayer sought for in the suit, the Principal District Munsif, Cheyyar is directed to dispose of the suit on merits and in accordance with law without being influenced by the observations made in the revision, as expeditiously as possible, preferably on or before 31.07.2015.

10.03.2015

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To

1.The Sub Court at Cheyyar.

K.KALYANASUNDARAM,J.
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