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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 08.04.2015
CORAM :

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

C.R.P.NPD (MD).No.608 of 2015
and
M.P.(MD) No.1 of 2015

1.Chandra Mohan
2.Kalidass
3.Senthamizh Selvan ... Petitioners/Petitioners/Plaintiff

Vs.

The Executive Officer,
Kariyapatti Town Panchayat
Kariyapatti
Virudhunagar District. ... Respondent/Respondent/1st Defendants

Prayer : Civil Revision Petition under Article 227 of the Constitution of India, to direct the lower Court for speedy disposal of the injunction application in I.A.No.173 of 2015 in O.S.No.69 of 2015 on the file of the District Munsif Court, Arupukottai, within the time framed by this Court.

For Petitioner : Mr.S.Natarajan
For Respondent : Mr.M.Rajarajan

ORDER

The petitioners filed a suit in O.S.No.69 of 2015 before the District Munsif, Aruppukottai, praying for a decree of declaration and injunction.

2.The petitioners along with the suit in O.S.No.69 of 2015, filed an application in I.A.No.173 of 2015 for temporary injunction. The injunction application was filed on 17.03.2015. According to the petitioners, the post of District Munsif at Aruppukkottai is vacant and the learned Judicial Magistrate, who is incharge is now taking up only routine matters. Since, there is no regular Judicial Officer to take up the injunction application, the petitioners have come up with the Civil Revision Petition.

3.Heard the learned counsel for the petitioners and the learned counsel for the respondent.

4.The petitioners have filed this Revision Petition with a grievance that the respondent is in the process of constructing a passenger shed in "L" shape to the stretch of 23.40 metre, North south and17.40 metre on the East West with the breadth of 5.40 meters on the side of the road. According to the petitioners, they are denied of their easement rights on account of the proposed construction. It was only on account of the construction, the petitioners filed the suit in O.S.No.69 of 2015 and I.A.No.173 of 2015 for interim injunction.

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5.According to the petitioners, the work is in full swing and in case, a direction is not issued to dispose of the matter, the very suit will become infructuous.

6.In view of the said submission and taking into account the background facts, I consider it necessary to direct the Court below to take up the matter in I.A.No.173 of 2015 and to dispose of the same as expeditiously as possible.

7.The learned Principal District Judge, Virudhunagar District at Srivilliputhur is directed to transfer O.S.No.69 of 2015 to any other competent Court, in case, the post of District Munsif, Aruppukottai is still vacant. The learned Principal District Judge is further directed to issue a direction to the learned District Munsif, who would hear the suit in O.S.No.69 of 2015, to dispose of the injunction application in I.A.No.173 of 2015, within a period of three weeks from the date of transfer. The respondent is directed to file counter affidavit within one week from today. In case, the respondent failed to file counter affidavit within a period of one week from today, it is open to the learned District Munsif, who is incharge of the matter pursuant to the orders to be passed by the learned Principal District Judge, to dispose of the matter on merits.

8.The Civil Revision Petition is disposed of with the above direction. No costs. Consequently, connected M.P.(MD) No.1 of 2015 is closed.

Sd/-
Assistant Registrar(CO)

\\True copy\\

Sub Assistant Registrar

To

1.The Principal District Judge, Virudhunagar District at
Srivilliputhur.

2.The District Munsif, Aruppukottai

+1cc to MR.M.RAJARAJAN, ADVOCATE SR.N.17648

+1CC TO MR.S.NATARAJAN, ADVOCATE SR.NO.17557

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