

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) No.3728 of 2014
and
M.P.No.1 of 2014

Pastor J.Thomas

... Petitioner

vs

Chidambaram Municipality
rep. by its Commissioner,
having office at Municipal Office,
Chidambaram - 608 001.

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decree of the learned Sub Judge, Chidambaram in C.M.A.No.6 of 2013, dated 11.08.2014 reversing the order and decree of the learned Additional District Munsif, Chidambaram in I.A.No.100 of 2012 in O.S.No.34 of 2012, dated 07.08.2012.

For Petitioner : Mr.T.K.S.Gandhi

For Respondent : Mr.V.Kasinatha Bharathi

ORDER

Petitioner has moved this Civil Revision Petition aggrieved over the order passed by the learned Sub Judge, Chidambaram in C.M.A.No.6 of 2013, dated 11.08.2014 reversing the order and decree of the learned Additional District Munisif, Chidambaram in I.A.No.100 of 2012 in O.S.No.34 of 2012.

2.Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3. While allowing CMA.No.6 of 2013 the court below has observed that the Trial Court merely has informed that the contentions of the counsel for the petitioner/plaintiff matched the affidavit filed in support of the interlocutory application and hence, the order of injunction already granted was made absolute. The court below has also observed that the stand of the petitioner/plaintiff was not that he had not encroached upon the property of the Municipality but that his action in putting up a toilet in the area belonging to the Municipality would cause no nuisance to anybody. Finding that the petitioner as plaintiff has produced nothing to show that he got sanction/permission from the Municipality to put up the construction on the property belonging to it, Court below has allowed CMA No.6 of 2013. We find

no reason to interfere with the order. Finding no merit, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

14.07.2016

Index:yes/no
Internet:yes
smi

To

1. The Sub Judge, Chidambaram.
2. The Additional District Munisif, Chidambaram.

C.T.SELVAM, J

smi

Civil Revision
Petition (PD) No.3728 of 2014

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