

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **21.09.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) No.2969 of 2016 and
CMP.No.15011 of 2016

Radhamani

...Petitioner

versus

1.Devika

2.Karumandisellipalayam Town Panchayat,
Rep by its Executive Officer,
Having Office at Karumandisellipalayam,
Perundurai Taluk.

3.Periyasami

4.Kulandaisami

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and final order dated 26.03.2016 passed in I.A.No.182 of 2016 in O.S.No.20 of 2010 on the file of District Munsif-cum-Judicial Magistrate, Perundurai.

For Petitioner : Mr.S.Kaithaimalai Kumaran

ORDER

The petitioner filed a suit in O.S.No.20 of 2010 for injunction against the respondents to restrain them from interfering with her peaceful possession and enjoyment of the suit property. In the said suit, the petitioner filed an interlocutory application in I.A.No.182 of 2016 to stay the further proceedings till the disposal of a writ petition in

W.P.No.908 of 2014. The learned Judge dismissed the said application on the ground that patta having been cancelled, there is no question of injuncting the respondents. The said order is under challenge in this Civil Revision Petition.

2. Heard the learned counsel for the petitioner.

3. There is no dispute that the patta of the property has already been cancelled by the Government. The petitioner challenged the said order before this court in W.P.No.908 of 2014. It is a matter of record that this Court has not granted any interim order while entertaining the writ petition in W.P.No.908 of 2014.

4. The petitioner wanted an interlocutory order in the suit till the disposal of the Writ Petition in W.P.No.908 of 2014. The proper course open to the petitioner was to approach the High Court for interim relief. There is no question of issuing an interlocutory order by the Trial Court to stay the further proceedings till the disposal of the writ petition in W.P.No.908 of 2014. This aspect was correctly considered by the learned Judge and rightly dismissed the prayer for stay.

5. I do not find any error or illegality in the said order warranting interference by exercising revisional jurisdiction under Article 227 of the Constitution of India.

6. In the upshot, I dismiss the Civil Revision Petition. No costs. Consequently, connected miscellaneous petition is closed.

21.09.2016

Index:Yes/No
Internet:Yes/No
svki/jv

To

The District Munsif-cum-Judicial Magistrate,
Perundurai.

K.K.SASIDHARAN, J.

(svki/jv)

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