

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **28.11.2016**

CORAM:

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

C.R.P.(P.D.) Nos.3687 and 3688 of 2016 and
CMP.Nos.18701 and 18702 of 2016

B.Palani ...Petitioner in CRP No.3687/2016
K.Boomadevi ...Petitioner in CRP No.3688/2016
versus

1.The Municipal Council,
Tiruvannamalai,
Rep. by Chairman,
Tiruvannamalai Municipality,
Sannadhi Street,
Tiruvannamalai Town.

2.The Commissioner,
Tiruvannamalai,
Tiruvannamalai Municipality,
Sannadhi Street,
Tiruvannamalai Town.

...Respondents in both petitions

PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India, against the fair and decreetal order of the Principal Subordinate Judge, Tiruvannamalai, dated 06.09.2016 made in C.M.A.Nos.8 and 9 of 2013 confirming the orders of the Principal District Munsif, Tiruvannamalai, dated 27.09.2013 in I.A.Nos.245 and 241 of 2012 in O.S.Nos.125 and 119 of 2012 respectively.

For Petitioners : Mr.G.Sumitra

COMMON ORDER

The petitioners filed interlocutory applications in I.A.Nos.245 and 241 of 2012 in O.S.Nos.125 and 119 of 2012 for injunction before the learned Principal District Munsif, Tiruvannamalai. The applications were dismissed. The orders were challenged before the Principal Sub-Court, Tiruvannamalai in C.M.A.Nos.8 and 9 of 2013. The appeals were also dismissed. Feeling aggrieved, the petitioners are before this Court with these Civil Revision Petitions.

2. Heard the learned counsel for the petitioners.

3. The documents available on record, the order passed by the learned Principal District Munsif and the related appellate orders clearly show that the petitioners purchased the land earmarked for a public purpose. The developer has shown the land purchased by the petitioners as a Reserved Site and on that basis obtained planning permission. Even then, the developer assigned the property to the petitioners. It is trite law that land once earmarked for public purpose cannot be used for any other purpose. It is for common benefit that such properties are earmarked. The learned Trial Judge considered the entire background facts and rightly dismissed the applications. The learned Appellate Authority also considered the entire facts once again

and by way of a detailed order dismissed the appeals. In fact, all the documents relied on by the petitioners were taken note of by the learned Principal Subordinate Judge, before confirming the orders. I do not find any error or illegality in the orders warranting interference by exercising the revisional jurisdiction under Article 227 of the Constitution of India.

4. In the up shot, I dismiss the Civil Revision Petitions. No costs. Consequently, connected miscellaneous petitions are closed.

28.11.2016

Index : Yes/No
svki

To

- 1.The Principal Subordinate Judge, Tiruvannamalai
- 2.The Principal District Munsif, Tiruvannamalai,

K.K.SASIDHARAN,J.

(svki)

C.R.P.(P.D.) Nos.3687 and 3688 of 2016

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