



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 30.06.2016
CORAM
THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

WEB COPY

C.R.P. (MD) No. 1338 of 2016 (PD)
and
C.M.P. (MD) No. 6408 of 2016

A. Rowther Naina

.. Petitioner

Vs.

1. The Black Development Officer,
O/o. Black Development
Avudaiyar Kovil Panchayat Union
Avudaiyar Kovil Taluk, Pudukottai District.

2. The President,
Meemisal Panchayat
Avudaiyar Kovil Panchayat Union,
Avudaiyar Kovil Taluk, Pudukottai District.

3. J. Mohamed Yoosuf

4. S. R. A. Sheikkathi

5. T. V. Sundara Thevar

.. Respondents

Prayer: Petition filed under Article 227 of the Constitution of India, against the order of notice dated 16.02.2016 passed in I.A.No.145 of 2016 in O.S.No.51 of 2016 on the file of the Subordinate Court, Pudukkottai.

For Petitioner : Mr. K. R. Laxman

For R1 and R2 : Mr. G. Muthukannan

Government Advocate

ORDER

This revision is filed to set aside the order dated 16.02.2016 passed in I.A.No.145 of 2016 in O.S.No.51 of 2016, by the learned Subordinate Judge, Pudukkottai.

2. Heard Mr. K. R. Laxman, learned counsel appearing for the petitioner and Mr. G. Muthukannan, learned Government Advocate appearing for R1 and R2 and perused the materials available on record.

3. The learned counsel appearing for the petitioner would submit that the petitioner has filed a suit against the respondents for permanent injunction restraining the defendants,



their men and agent in any manner dispossessing the plaintiffs unlawfully from A to D schedule properties and the petitioner has also filed an application in I.A.No.145 of 2016 for grant of Ad-interim injunction.

4. Though the application was filed on 12.02.2016, the petitioner was not able to get Ad-interim injunction. In view of the fact that the defendants have already filed caveat petition and they have been subsequently taking time to file counter from 16.02.2016 and in the mean while, the second respondent issued notice for taking possession of the suit properties.

5. The learned counsel further submitted that the petitioner is not a party in the writ petition and he is under threat of eviction.

6. It is seen that the injunction application was moved on 16.02.2016 and the learned Subordinate Judge, issued notice to the caveator. Subsequently, it was adjourned to 29.02.2016, 15.03.2016, 28.03.2016 and 18.04.2016 for filing counter by the respondents.

7. It is seen that the second respondent filed his counter on 28.03.2016, but the first respondent so far has not filed a counter and the case was adjourned to 18.07.2016.

8. Considering the above facts, this Court directs the learned Subordinate Judge, Pudukkottai to dispose of I.A.No.145 of 2016 in O.S.No.51 of 2016 and pass orders on merits and in accordance with law, as expeditiously as possible preferably on or before 22.07.2016.

9. With the above direction, the civil revision petition is disposed of. No costs. Consequently, the connected C.M.P is also closed. In the mean while, the respondents are directed to maintain status quo.

Sd/-

Assistant Registrar(W)

/True copy/

Sub Assistant Registrar

To

The Subordinate Judge, Pudukkottai.

+1 cc to M/s.K.R.Laxman, Advocate in SR.No.34459

C.R.P. (MD) No.1338 of 2016 (PD)

and C.M.P. (MD) .No.6408 of 2016

30.06.2016