



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2016

CORAM:

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

C.R.P. (MD) PD.Nos.2560 of 2015 and 436 of 2016
and

M.P. (MD) No.1 of 2015 and C.M.P. (MD) No.1876 of 2016

C.R.P. (MD) No.2560 of 2015:

A.Arumugam

... Petitioner

Vs.

1.Govindammal
2.The Executive Officer,
Town Panchayat,
T.Vadipatti,
Madurai District.

... Respondents

PRAYER: The Civil Revision Petition has been filed under under Article 227 of the Constitution of India, against the order dated 17.09.2013 in I.A.No.182 of 2011 in O.S.No.284 of 2008 passed by the District Munsif cum Judicial Magistrate, Vadipatti, Madurai.

For Petitioner

: Mr.N.Rahamadullah

For Respondents

: Mr.R.Thangapadian for R1

Mr.G.Muthukannan, G.A. for R2

C.R.P. (MD) No.436 of 2016:

P.Vellaiyappa Pillai

... Petitioner

Vs.

1.Govindammal
2.The Executive Officer,
Town Panchayat,
T.Vadipatti,
Madurai District.

... Respondents

PRAYER: The Civil Revision Petition has been filed under Article 227 of the Constitution of India, against the order dated 28.10.2015 in I.A.No.449 of 2014 in O.S.No.284 of 2008 passed by the District Munsif cum Judicial Magistrate, Vadipatti, Madurai.



For Petitioner
For Respondents

: Mr.N.R.Prabhu
: Mr.V.Pasumpon for R1
Mr.G.Muthukannan G.A. for R2

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COMMON JUDGMENT

Both these Civil Revision Petitions are filed against the order passed in I.A.Nos.182 of 2011 and 449 of 2014 in O.S.No.284 of 2008 on the file of the District Munsif cum Judicial Magistrate, Vadipatti, Madurai.

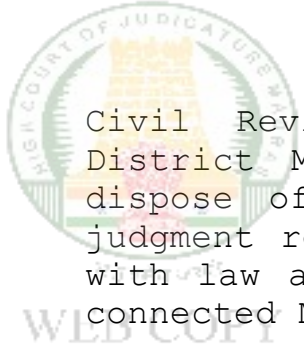
2.The 1st respondent in both the Civil Revision petitions has filed the suit in O.S.No.284 of 2008 before the District Munsif cum Judicial Magistrate Court, Vadipatti, Madurai for permanent injunction, restraining the defendants from entering into the suit property in Survey Nos.267/1, 3 and 4.

3.According to the 1st respondent, she is in possession and enjoyment of the suit property based on the gift deed executed by his mother. Whiles, the 2nd respondent herein is disturbing her possession. In the said suit, the petitioner in C.R.P.(MD) PD.No.2560 of 2015 has filed an application in I.A.No.182 of 2011 and the petitioner in C.R.P.(MD)PD.No.436 of 2016 has filed an application in I.A.No.449 of 2014. According to the petitioners, the 1st respondent / plaintiff is an encroacher and the property in Survey No.267 / 1 and 4 is a pathway and Survey No.267/3 is a Temple. The 1st respondent / plaintiff has blocked the pathway and occupied the public pathway from preventing the general public from using the same. Therefore, the petitioners have preferred a complaint before the District Collector to remove the said encroachment. Accordingly, the Thasildar, Vadipatti, after conducting an inspection, filed a report before the District Collector.

4.The learned Government Advocate appearing for the 2nd respondent relied on a decision of a Division Bench of this Court reported in **2008(1) MLJ 1132 (G.Radhakrishnan Vs. The President, Edayakottai)**.

5.Heard the learned counsel for the petitioners and the learned Government Advocate appearing for the 2nd respondent. The learned counsel appearing for the parties submitted that the suit is of the year 2008 and a direction may be issued to the District Munsif cum Judicial Magistrate, Vadipatti, Madurai, to dispose of the suit as expeditiously as possible.

6.Considering the submissions made by the learned counsel for the parties and taking note of the fact that the suit is of the year 2008, without going into the merits of the matter, the



Civil Revision Petitions are disposed directing the learned District Munsif cum Judicial Magistrate, Vadipatti, Madurai to dispose of the suit in O.S.No.284 of 2008 taking note of the judgment reported in 2008(1) MLJ 1132 on merits and in accordance with law as expeditiously as possible. No costs. Consequently, connected M.P.and C.M.P.are closed.

Sd/-

Assistant Registrar(RTI)

/Treu copy/

Sub Assistant Registrar
Madurai Bench of Madras High Court,
Madurai.

To

The District Munsif cum Judicial Magistrate, Vadipatti, Madurai.

+1 cc to Mr.N.Rahamadullah,Advocate SR No.16207

+1 cc to Mr.V.Pasumpon,Advocate Sr No.16604

+2 cc to Mr.N.R.Prabhu,Advocate Sr Nos.16206 & 16499

rg.GSV-PM/AR-I 3P.6C

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