

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.04.2017

CORAM:

THE HON'BLE MR. JUSTICE **M.SUNDAR**

C.R.P.(PD) No.1230 of 2017

E.Rajarethinam

..Petitioner

Vs.

- 1.The District Collector,
Kancheepuram-631 501.
- 2.The Revenue Divisional Officer,
Tambaram,
Chennai-600 045.
- 3.The Tahsildar, Alandur,
Chennai-600 061.
- 4.The Commissioner,
Pallavaram Municipality,
Chennai-600 044.
- 5.Town Sub Surveyor,
Pallavaram Municipality,
Chennai-600 044.
- 6.Anbukumar,
Ex-councillor,
Ward No.11,
Pallavaram Municipality,
Chennai-600 044.
- 7.V.Palani

.. Respondents

The Civil Revision has been filed under Article 227 of the Constitution of India against the decision dated 22.2.2017 in O.S.No.51 of 2014 on the file of the Principal District Munsif Court, Alandur.

For Petitioner : Mr.E.Rajarethinam,
Party in person.

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ORDER

Mr.E.Rajarethinam, who is the plaintiff in the trial court, is the sole revision petitioner before me. Mr.E.Rajarethinam appears party in person before me.

2 Considering the fact that this is a civil revision petition filed under Article 227 of the Constitution of India (COI), in the light of the earlier division bench order (prior to the suit) and in the light of the order I propose to pass, I deem it not necessary to issue notice to the respondents. It may also be not necessary to set out the factual matrix elaborately.

3 The suit was filed against the 5 official respondents, who have been arrayed as defendants 1 to 5. Two private respondents have been arrayed as defendants 6 and 7.

4 The suit has been filed inter alia with prayers for mandatory injunction to cancel the purported illegal / forged Town Survey Register extract and also for demolishing the alleged illegal construction of the serial shop and compound wall that has been put up. There are some other ancillary prayers also. I do not propose to set out the factual matrix in detail, as stated supra. Suffice to state this much about the suit.

5 It is seen that the suit itself was filed by the plaintiff on 20.01.2014, as a sequel to and based on an order of a Division Bench of this Hon'ble Court, dated 16.12.2013 made in the review application No.189 of 2013.

6 The plaintiff, appearing party in person, would draw my attention to the extract of 'A' diary in the trial court, which has been placed before me. As per the 'A' diary extract, on 21.10.2016, the suit was kept for judgment. However, there has been some petitions by one of the defendants and an attempt to reopen the suit has been made. This is evident from the 'A' diary extract, dated 22.2.2017.

7 A perusal of the earlier 'A' diary extracts show that similar attempts have been made earlier.

8 Citing the above and complaining that there is deliberate delay on the part of the defendants, that is being caused in the disposal of the suit, party in person draws my attention to paragraph 2 of the above said order of the Division Bench of our High Court. That portion of paragraph 2, which is relevant reads as follows:

“2.....Considering the issues sought to be raised by the applicant, the Jurisdictional Civil Court is expected to decide the suit expeditiously.”

9 As stated supra, the above said Division Bench order is dated 16.12.2013 and the suit itself was filed on 20.1.2014 pursuant to the above order.

10 This coupled with the 'A' Diary extracts, which I have referred to supra, would mean that this would be a fit case for directing the trial court to dispose of this suit as expeditiously as possible and at the earliest.

11 Though this suit is of the year 2014, one other factor that has weighed heavily with me in issuing such a direction in the instant case is that the trial was completed and the suit was kept for judgment on 21.10.2016 itself.

12 Therefore, the trial court, namely the Principal District Munsif Court, Alandur, is directed to hear the suit O.S.No.51 of 2014 on its file expeditiously and dispose of the same at the earliest and in any event within three months from the date of receipt of a copy of this order.

13 This civil revision petition is disposed of with the above directions.

04.04.2017

vvk

To

The Principal District Munsif Court,
Alandur.

M.SUNDAR, J.

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