

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2017

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

C.R.P.(PD) No.2481 OF 2017
AND C.M.P.NO.11762 OF 2017

M. Ramakrishnan

... Petitioner

Vs.

1.The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai - 600 003.

2.The Collector of Chennai,
Chennai District,
Singaravelan Maligai, Rajaji Salai,
Chennai - 600 001.

3.The Zonal Officer,
Zonal IV, Corporation of Chennai,
266, T.H.Road, Tondiarpet,
Chennai - 600 021.

4. N.Mynavathi

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to direct the VII Asst City Civil Judge, Chennai to dispose the application in I.A. No. 152 of 2017 in O.S. No.78 of 2017.

For Petitioner : Mr. P. Gunaraj

ORDER

This Civil Revision Petition has been filed to direct the VII Assistant City Civil Judge, Chennai to dispose the application in I.A. No. 152 of 2017 in O.S. No.78 of 2017.

2. The petitioner has approached this Court by way of filing a writ petition in W.P. No.5203 of 2017 for the issuance of a Writ of Certiorarified Mandamus forbearing the third respondent from interfering with the petitioner's lawful possession and enjoyment of the land comprised in No.235, T.H.Road, Kodungaiyur, Chennai - 600 118 in Survey No. 181/2A1, T.S. NO. 16, Block No.49, Kodungaiyur Village, admeasuring 31.09 cents. Considering the request, this Court by its order dated 03.03.2017 directed the petitioner to approach the concerned Civil Court and obtain an order of protection. Status quo order was granted for a period of 15 days.

3. Thereafter, the petitioner filed a suit in O.S. No. 78 of 2017 on the file of the learned VII Assistant Judge, City Civil Court, Chennai. An interlocutory application in I.A.No.152 of 2017 also filed for

<http://www.judis.nic.in>injunction under Order XXXIX, Rule 1 and 2, C.P.C. Eventhough, the

interim order of status quo granted by this Court was for a limited period, the trial Court has not considered the interim prayer. The record of proceedings would show that I.A. No.152 of 2017 was filed on 02.01.2017, whereas the protection was given by this Court in W.P.No. 5203 of 2017 on 03.03.2017.

4. The grievance of the petitioner is that eventhough the service to the defendants was completed on 12.01.2017, the petition for interim injunction was not disposed of by the trial Court, in spite of there being a statutory requirement to dispose of the same within a period of one month. Thereafter, the matter was posted on 11.07.2017 for filing counter.

5. Considering the facts and circumstances of the case, and in view of the order of status quo granted by this Court on 03.03.2017 in W.P.No.5203 of 2017, the VII Assistant Judge, City Civil Court, Chennai, is directed to dispose of the interlocutory application in I.A.No.152 of 2017 in O.S.No.78 of 2017 as expeditiously as possible. Till such time the status quo order granted by this Court on 03.03.2017 in W.P.No.5203 of 2017 is extended.

(Since the status quo order was granted by this Court in the presence of the respondent/defendant, the matter is well known to them. Therefore, till the disposal of the interim injunction application by the trial Court the authority shall not take any coercive action against the petitioner.)

6. With this direction, this Civil Revision Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Index : Yes/No

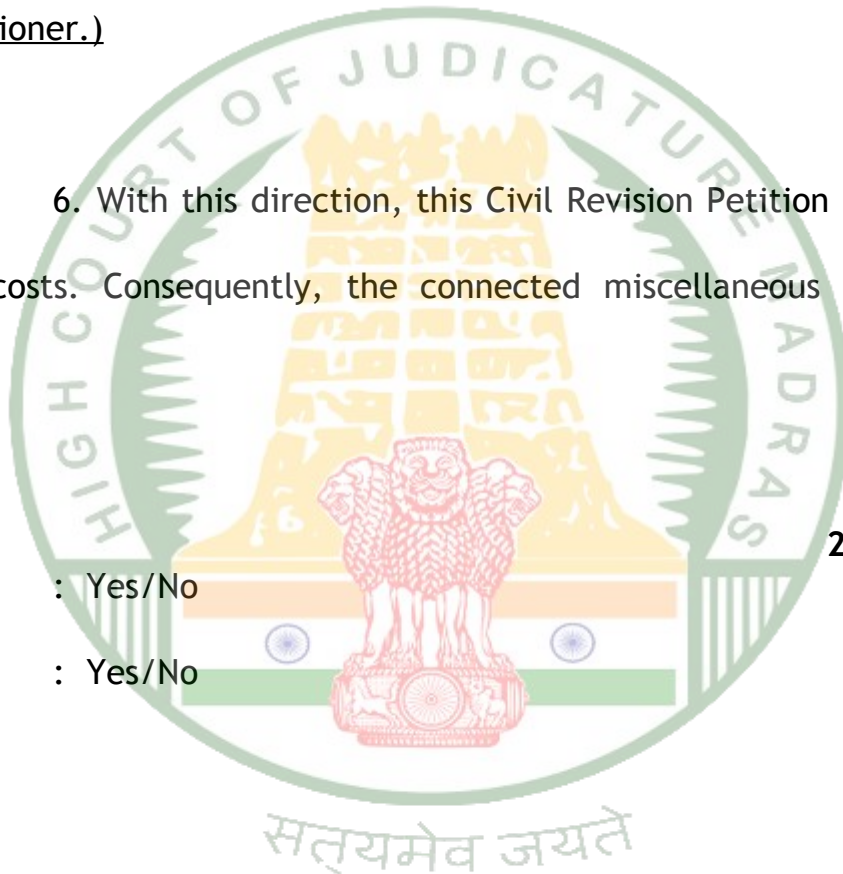
Internet : Yes/No

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To

The VII Assistant Judge, City Civil Court, Chennai

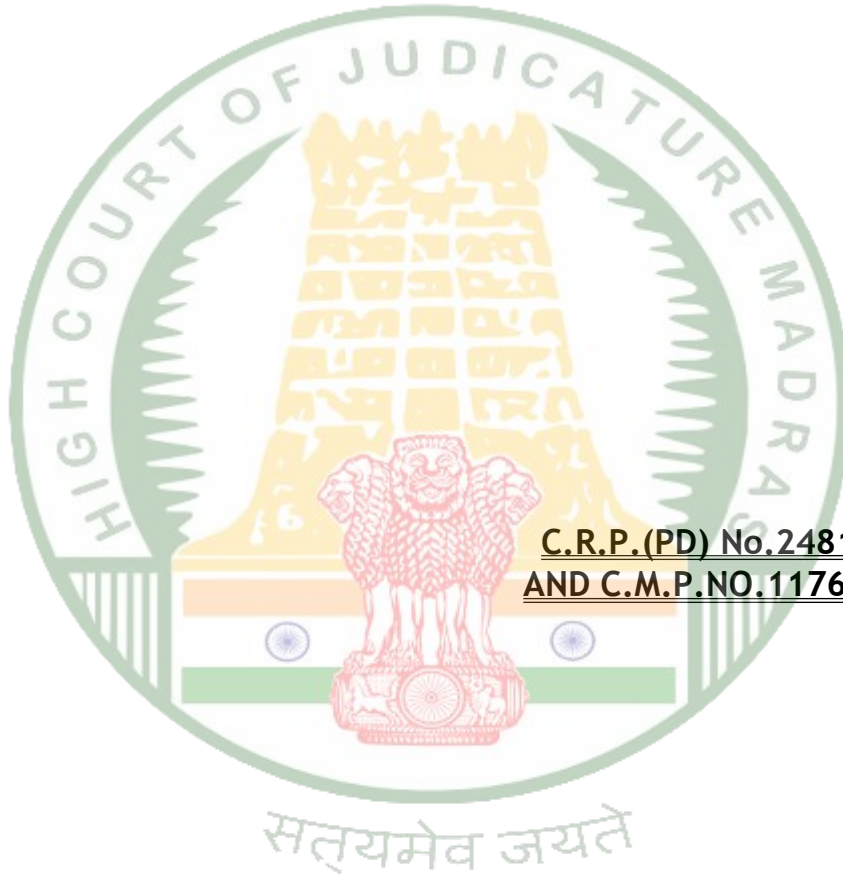
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M. GOVINDARAJ, J.

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