

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2017

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.SUNDAR

Civil Revision Petition (PD) No.4671 of 2015

1.Palladam Rotary Electric Crematorium
Trust, Rep. by its President,
Dr.S.Nallathambi.

2.A.Annadurai

.. Petitioners

-VS-

1.P.Vijayakumar

2.Gengasamy

3.N.Jagannathan

4.P.Kasthrisamy

5.Saradha

6.N.Rangaraj

7.Saminathan

8.G.Vijayasekaran

9.K.Eswaramoorthy

10.The District Collector

District Collector Office,
Tiruppur.

11.The Tahsildar,

Tahsildar Office, Palladam,
Tiruppur District.

12.The Block Development Officer,

Palladam Panchayat Union,
Palladam, Tiruppur District.

13.The President,

Panikkampatti Village Panchayat,
Panikkampatti, Palladam Taluk,
Tiruppur District.

.. Respondents

Petition filed under Article 227 of the Constitution of India against the suit in O.S.No.157 of 2015 on the file of District Munsif Court, Palladam, wherein the Plaint ought to be rejected.

For Petitioners	:	Mr.M.Purushothaman
For Respondents	:	Mr.V.Raghavachari
		for Mr.N.Umapathi for RR 1 to 9
	:	Mrs.M.Jayashree
		Govt. Advocate (CS) for RR 10-12
	:	Mr.A.Palaniappan for R13

* * * * *

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

We have heard the learned counsel for parties at length.

2.Learned counsel for respondents 1 to 9 states that the endeavour was not to overreach the order of this Court, but that there was a grievance in the manner of exercise of jurisdiction by the Collector. He states that if that is the impression, the respondents seek apology for the same and seek to withdraw the suit itself, which would make the revision petition infructuous.

3.We, thus, direct that the suit O.S.No.157 of 2015 from which the revision petition arises should be treated as dismissed as withdrawn and all interim orders stand vacated.

4.We clarify that if the respondents are of the view that in the previous proceedings, something which ought to have been brought to the notice of the Court has escaped attention or that the Collector has not exercised his powers in terms of the directions of the Court, they may be permitted to move necessary applications in the earlier proceedings.

5.In so far as the learned counsel for the Panchayat / respondent no.13 is concerned, if the intention was to have the location of the electric crematorium at an alternate place in the same area, then the Panchayat ought to have moved the Collector for the said purpose, which they can still do.

6.Civil Revision Petition, accordingly, stands dismissed as infructuous. No costs. Consequently, M.P.No.1 of 2015 also stands dismissed.

(S.K.K., CJ.) (M.S., J.)
08.02.2017

Index : Yes/No
Website : Yes/No

sra

The Hon'ble Chief Justice
and
M.Sundar, J.

(sra)

To

- 1.The District Collector
District Collector Office, Tiruppur.
- 2.The Tahsildar,
Tahsildar Office, Palladam, Tiruppur District.
- 3.The Block Development Officer,
Palladam Panchayat Union,
Palladam, Tiruppur District.
- 4.The President,
Panikkampatti Village Panchayat,
Panikkampatti, Palladam Taluk,
Tiruppur District.

C.R.P. (PD) No.4671 of 2015

08.02.2017

<http://www.judis.nic.in>