



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M. VELUMANI
CRP(MD).No.192 of 2017

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P. Sreenivasa Sunder

..Revision Petitioner

Vs.

1.The Executive Officer,
Neyyoor Town Panchayat,
Mecode, Neyyoor Post,
Neyyoor Village, Kalkulam Taluk,
Kanyakumari District.

2. The President
Neyyoor Town Panchayat,
Mecode, Neyyoor Post,
Neyyoor Village, Kalkulam Taluk,
Kanyakumari District.

3. George Sunil Sing

4. Mano

5.C.Glory Bai

6.R.Devaraj

7.M.Rajeshkumar

8.M.Josephraj

9.Jacquelin Jemila

..Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India challenging the impugned return order dated 16.09.2016 passed by the learned District Munsif, Eraniel, Kanyakumari District.

For Petitioner : Mr.J. Selvin Rajesh

O R D E R

This Civil Revision Petition is filed challenging the impugned return order dated 16.09.2016 passed by the learned District Munsif, Eraniel, Kanyakumari District.

2. The petitioner filed suit for a direction to the respondents and 2 viz., The Executive Officer, Neyyoor Town Panchayat, Mecode, Kalkulam Taluk, Kanyakumari District and President of Panchayat respectively to remove unauthorised



compound wall put up by the respondents 3 to 9 in the either side of pathway and for a permanent injunction against the respondents 3 to 9 not to make any compound wall against the provision of Panchayat Act, without splaying off bends of the pathway and with outside openable gates.

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3. The learned Judge returned the plaint raising a query as to maintainability of the suit against the respondents 1 and 2, who are the local bodies. The explanation submitted by the petitioner was not accepted and again, it was returned.

4. Against that return, present Civil Revision Petition has been filed.

5. The learned counsel appearing for the petitioner produced a copy of the order, dated 14.11.2011, made in W.P (MD).No.12910 of 2011, wherein this Court held that appropriate remedy available to the petitioner is only by way of filing civil suit, seeking mandatory injunction and permanent injunction.

6. In view of the order passed in the Writ Petition in W.P(MD).No.12910 of 2011, dated 14.11.2011, if the petitioner represents the plaint along with copy of this order, the learned Judge is directed to number the suit, if it is otherwise in order and hear the same and pass orders on merits and in accordance with law.

7. With the above direction, the Civil Revision Petition is disposed of. No costs.

Sd/-
Assistant Registrar[CS-I]

/True copy/

Sub Assistant Registrar

To

The District Munsif, Eraniel, Kanyakumari District.
+1cc to Mr.J.Selvin Rajesh, Advocate, SR.5107
+1cc to Mr.J.Gunaseelan Muthiah, Advocate, SR.4983

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