



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.04.2017

CORAM :

WEB COPY

THE HONOURABLE DR.JUSTICE **G. JAYACHANDRAN**

C.R.P. (MD) (PD) .No.779 of 2017
and
C.M.P. (MD) No.3561 of 2017

R.Nallamani

... Petitioner/6th Defendant

Vs.

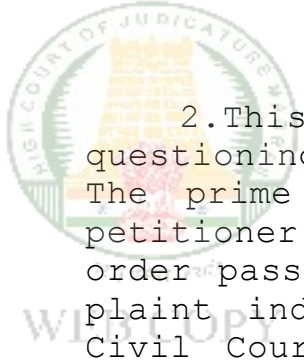
1. Yadavakula Arulmigu Karuppanasamy temple,
Bye pass road, Through its
Managing Trustee R.Karmegam .. Respondent/Plaintiff
2. The District Collector,
Madurai Collectorate, Madurai.
3. The Revenue Divisional Officer,
Madurai District, Madurai.
4. The Divisional Engineer,
State Highways Authority,
Alagarkoil Street, Madurai-2
5. The Assistant Divisional Engineer,
(Construction and maintenance),
State Highways, Madurai-2.
6. The Assistant Engineer,
State Highways,
Madurai South,
Madurai. ... Respondents/1st 2nd 3rd 4th 5th Defendant

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to direct the Lower Court to strike down the plaint in O.S.No.169 of 2017 on the file of the Principal District Munsif Court, Madurai by allowing the Civil Revision Petition and to grant such other relief or reliefs that this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner : Mr. R.Ramasamy

ORDER

This Civil Revision Petition has been filed to direct the Lower Court to strike down the plaint in O.S.No.169 of 2017 on the file of the Principal District Munsiff Court, Madurai, by allowing the Civil Revision Petition.



2. This revision petition is filed directly under Article 227 questioning the action of the Lower Court taking the suit on file. The prime contention of the learned counsel for the revision petitioner is that the suit is not maintainable in view of the order passed by the Division Bench of this court. Reading of the plaint indicates that the plaintiff wants declaration from the Civil Court, regarding his status in the Temple. He has not impleaded the Hindu Religious and Endowments Department, the authority who is competent to grant said relief. The plaintiff has also sought for several other reliefs and added the District Collector and other Revenue Authority as parties. It appears that the plaint has been filed to get some ulterior relief which has not been directly disclosed.

3. However, all these points ought to be agitated by the defendant before the trial court at the first instance. Since, the revision petitioner has approached this court without exhausting the mode of remedy available in law, the Civil Revision Petition is dismissed. Consequently, Connected Miscellaneous Petition is Closed. No costs.

Sd/-
Assistant Registrar (A.S)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Madurai Collectorate, Madurai.
2. The Revenue Divisional Officer,
Madurai District, Madurai.
3. The Divisional Engineer,
State Highways Authority,
Alagarkoil Street, Madurai-2
4. The Assistant Divisional Engineer,
(Construction and maintenance),
State Highways,
Madurai-2.
5. The Assistant Engineer,
State Highways,
Madurai South, Madurai.



6. The Principal District Munsif Judge,
The Principal District Munsif Court,
Madurai.

+1cc to M/S.R.Ramasamy, Advocate SR.No.52408

C.R.P. (MD) .No.779 of 2017
and
C.M.P. (MD) No.3561 of 2017
13.04.2017

JM/RSK/05.05.2017/3P/8C