

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 14.06.2017

CORAM:

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN**C.R.P. (PD) (MD) No.447 of 2017****and****CMP(MD) Nos.2185, 2186 & 3504 of 2017**

1.M.Sonaimuthu

2.M.Muthunayagam

... Petitioners/Respondents 1 & 2/
Defendants 1&2

Vs.

1.P.Anbu Muthuchamy,

Secretary,

Village Welfare Committee,

Village Public and Adi Dravidar Welfare General Public,

Thenur II Bit Village,

Madurai North Taluk,

Madurai District.

2.O.Rajendran,

Member, Village Welfare Committee,

And Adi Dravidar Welfare General Public,

Thenur II Bit Village,

Madurai North Taluk,

Madurai District.

...Respondents 1 & 2/ Petitioners/
Plaintiffs

3.State of Tamil Nadu,

Represented by its District Collector,

Madurai.

4.District Revenue Officer,

Madurai District,

Madurai.

5.The Tahsildar

Madurai North and Madurai West,

Tahsildar Office,

Madurai - 625 020.

...Respondents 3 to 5/ Respondents 3 to 5/
Defendants 3 to 5

Prayer: The Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair order and decretal order in I.A.No.115 of 2017 in O.S.No.212 of 2015, pending on the file of the District Munsif Court, Madurai dated 17.02.2017.



For Petitioners : Mr. V.Ragavachari
For R1 : Mr.V.Nagendran
For R3 to R5 : Mr.M.Murugan
Government Advocate

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ORDER

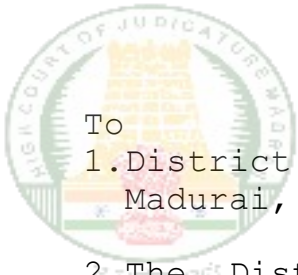
The revision petitioners herein, are the defendants 1 and 2 in O.S.No.212 on the file of the District Munsif Court, Madurai Taluk. The said suit is filed by the respondents 1 and 2 herein in their representative capacity for permanent injunction restraining the defendants from interfering with this peaceful enjoyment of the suit property. The said suit is pending for adjudication. While so, pursuant to the direction of the Hon'ble High Court in WP(MD) No.19483 of 2013 remove the standing Prosopis Julifora (Seemai Karuvela Trees) an application was filed by the plaintiffs before the Trial Court in I.A.No.115 of 2017 seeking permission to remove the Prosopis Julifora (Seemai Karuvela Trees) in the suit property. The Trial Court has allowed the said application, permitting the respondents herein to remove the Prosopis Julifora (Seemai Karuvela Trees). Aggrieved by the said order, the present revision petitioners have filed this petition on the ground that while patta stands in the name of the defendants, the right to remove the Prosopis Julifora (Seemai Karuvela Trees) vest with the revision petitioners and not with the respondents 1 and 2 / plaintiffs.

2.Considering the grounds, this Court had granted interim stay of the order passed by the Trial Court in I.A.No. 115 of 2017. Mean while, the direction of the High Court passed in the above said WP(MD)No.19483 of 2013 is a subject matter pending before the First Bench of this Hon'ble High Court, a fact Court to take judicial notice. It is now brought to the notice of this Court, that pursuant to the order, the Prosopis Julifora (Seemai Karuvela Trees) have been already removed and nothing survive for further adjudication in I.A.No.115 of 2017. Whereas the respondents herein have filed vacate stay petition, stating that the revision petitioners herein taking advantage of the stay granted by this Court, had removed Prosopis Julifora (Seemai Karuvela Trees) and misappropriate the sale proceeds.

3.The allegations are denied by the revision petitioners. These matter of facts are to be adjudicated before the Trial Court and the scope of the present revision petition is limited. The relief sought in this petition has become infructuous, in view of the subsequent event. Hence, the revision petition is disposed of as infructuous. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(A.S)

/True Copy/



To

1. District Munsif,
Madurai, Madurai District

2. The District Collector,
Madurai.

3. District Revenue Officer,
Madurai District, Madurai.

4. The Tahsildar
Madurai North and Madurai West,
Tahsildar Office, Madurai - 625 020.

+1cc to The Special Government Pleader in SR. No.60454
+1cc to Mr.V.Ragavachari Advocate in SR. No.60433
+1cc to Mr.V.Nagendran Advocate in SR. No.60251

DSS/KM

JS/MR/SAR.3/27.06.2017/3P-8C

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and
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