

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE **D. KRISHNAKUMAR**

CRP (PD) No.923 of 2018

1.Rajaram

2.Sakthivel

3.Manivel

4.Sundar

... Petitioners/Defendants
5 to 8

-Vs-

Pannerselvam

.. Respondent/Plaintiff

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India seeking to strike off the plaint in O.S.No.32 of 2018 on the file of the District Munsif Court, Dharmapuri.

For Petitioners : Mr.C.Prabakaran

सत्यमेव जयते

ORDER

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This Civil Revision Petition has been filed to strike off the plaint in O.S.No.32 of 2018 on the file of the District Munsif Court, Dharmapuri.

2. According to the petitioners that the respondent herein filed a suit in O.S.No.32 of 2018 on the file of the District Munsif Court, Dharmapuri for the damages against the defendant officials and permanent injunction against the defendants 5 to 8/petitioners herein. The aforesaid suit is not maintainable before the District Munsif Court, by virtue of the provisions under Section 14 of the Tamil Nadu Land Encroachment Act.

3. The learned counsel appearing for the petitioners would submit that in respect of removal of the encroachment under the Tamil Nadu Land Encroachment Act, 1905, the Civil Court has no jurisdiction to entertain the suit.

4. By considering the above said facts and submissions made, the relief sought for in the Civil Revision Petition cannot be entertained straight away before this Court and therefore, the petitioners have to approach the Trial Court to raise all these grounds, including the maintainability of the suit, by producing necessary documents.

5. Therefore, the Civil Revision Petition is dismissed with the above direction. No costs.

09.03.2018

Speaking/Non-Speaking order
Index : Yes/No
Internet: Yes/No

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Note: Issue Order Copy on 16.03.2018

To

The District Munsif,
Dharmapuri.



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D. KRISHNAKUMAR J.,

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