



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the Ninth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP (MD) No.1758 of 2018

IN

CRP (MD) No.1353 of 2017

S.SURESH KUMAR

... PETITIONER/PETITIONER

Vs

THE ESTATE OFFICER
V.O. CHIDAMBARNAR PORT TRUST,
TUTICORIN.

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant an interim injunction restraining the respondent from effecting any construction in the property subject matter of the present revision in c.r.p(md) no. 1353 of 2017 on the file of this honourable court, pending disposal of the present revision petition and thus render justice.

SCHEDULE OF PROPETY

Land Measuring 1.08 acres in Survey No.952, Melavittan Village-2 Tuticorin Taluk, Tuticorin are as follows :

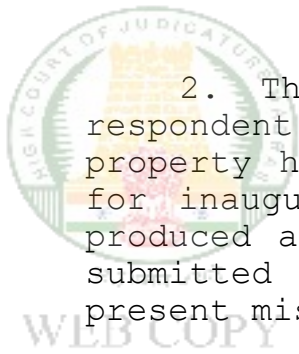
Bounded on North by Survey No.947
Bounded on South by Survey No.956
Bounded on West by Survey No.951
Bounded on East by Survey No.953.

Prayer in CRP(MD). 1353/ 2017 :

To call for records relating to the fair and decreetal order made in CMA.NO.18 of 2017, dated 21/06/2017 made by the Principal District Court cum Appellate Authority, Thoothukudi and set aside the same as illegal.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.M.MAHABOOB ATHIFE, Advocate for M/S.AJMAL ASSOCIATES, Advocate for the petitioner and of MR.A.ARIVU CHANDRAN, Advocate for the Respondent the court made the following order:-

This Civil Miscellaneous Petition has been filed seeking an order of interim injunction restraining the respondent from effecting any construction in the subject property, pending disposal of the main revision petition.



2. The learned Senior Counsel appearing on behalf of the respondent submitted that construction activities in the subject property has already been completed and the building is now ready for inauguration. In this regard, the learned Senior Counsel has produced a copy of the completion certificate dated 17.01.2018 and submitted that nothing survives for further adjudication in the present miscellaneous petition.

3. The said submission is not disputed by the learned Counsel for the petitioner, however, the learned Counsel for the petitioner submitted that there is some urgency involved in the matter and therefore, he prays for listing the main revision petition for final disposal.

4. In view of the same, the present civil miscellaneous petition is dismissed. Registry is directed to list the main civil revision petition on 10.04.2018, for hearing.

sd/-
09/03/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO
THE PRINCIPAL DISTRICT JUDGE CUM APPELLATE AUTHORITY, THOOTHUKUDI

+1. C.C. to MR.A.ARIVU CHANDRAN, Advocate SR.No.3872

GJM/CM/VR/SAR-2-13.3.18-2P-3C

ORDER
IN
CMP (MD) No.1758 of 2018
IN
CRP (MD) No.1353 of 2017
Date :09/03/2018