



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.R.P. (MD) No.1126 of 2018

1.Abdul Muthaliff
2.A.George
3.Loorthusamy

... Petitioners/Plaintiffs

Vs.

1. The District Collector,
District Collector Office,
Thanjavur.
2. The Tahsildar,
Tahsildar Office,
Papanasam,
Thanjavur District.
3. The Village Administrative Officer,
Village Administrative Office,
Thiruppalathurai,
Papanasam Taluk,
Thanjavur District.
4. The Executive Officer,
Town Panchayat,
Papanasam,
Thanjavur District.

5.Mohamed Haniff

... Respondents/Defendants

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India to direct the District Munsif cum Judicial Magistrate, Papanasam, Thanjavur District to number the unnumbered O.S.No.-- of 2018 and to decide the same on merits and in accordance with law.

For Petitioners : Mr.R.Rajaraman

For Respondents : Ms.V.P.M.Vaishnavi,
Government Advocate for R.1 to R.3

**ORDER**

The petitioners, who are the plaintiffs in the unnumbered suit in O.S.No.-- of 2018 filed against the respondents herein/defendants for bare injunction restraining them from interfering with the peaceful possession of the petitioners, other than by due process of law. The said suit was returned on 05.06.2018 by the learned Judge, stating that as respondents 1 to 4 are Government officials, after issuing notice to them, the plaintiffs shall re-present the plaint. Aggrieved over the same, the present civil revision petition came to be filed.

2. I have heard the learned Counsel appearing on either side and perused the records carefully.

3. The learned Counsel for the petitioner submitted before this Court that they have filed an unnumbered interlocutory application under Section 82 of the Civil Procedure Code (in short "Code"), requesting the trial Court to permit them to file the suit, without issuing notice to the official respondents under Section 80(1) of the Code, since some urgency is involved in the matter. The said affidavit is at Page Nos.16 to 18 in the typedset of papers filed in support of the present petition. However, no reason was given by the petitioners with regard to the urgency involved, instead, they simply prayed to permit them to file the suit without issuing notice to the official respondents as per Section 80(1) of the Code.

4. As stated earlier, without disclosing any reasons, the petitioners have filed the petition and therefore, I am not inclined to allow the said request made by the petitioners.

5. In the result, this civil revision petition is disposed of with the following directions:-

- the petitioners/plaintiffs are at liberty to file an appropriate application under Section 80(2) of the Code by mentioning the real urgency involved in the issue and re-present the plaint before the learned Judge within a period of two weeks from the date of receipt of a copy of this order;
- on receipt of the same, the learned Judge shall consider the same and pass appropriate orders within a period of two weeks thereafter.
- there shall be no order as to costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/



To

1. The District Munsif cum Judicial Magistrate,
Papanasam, Thanjavur.

2. The District Collector,
District Collector Office,
Thanjavur.

3. The Tahsildar,
Tahsildar Office,
Papanasam,
Thanjavur District.

4. The Village Administrative Officer,
Village Administrative Office,
Thiruppalathurai,
Papanasam Taluk,
Thanjavur District.

5. The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)
(To Return the Original papers)

+ 1 cc TO Mr.R.Rajaraman , Advocate in SR No. 67875

gk

AE/SKN RSK/SAR1/21.06.2018/3P/8C

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