



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.08.2018

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

C.R.P.PD[MD]No.1427 of 2018

and

C.M.P.[MD]No.6147 of 2018

1.Angupapa
2.Muthuraman
3.Muthukrishnan

: Petitioners/9 to 11 Respondents/9 to 11
Defendants (Proposed)

Vs.

1.M.V.M.Nagar Residency Welfare Association,
Dindigul through its Secretary,
Ramanan, S/o. Vengidusamy,
No.121/47C, M.V.M. Nagar,
Dindigul Town.1st Respondent/Petitioner/Plaintiff

2.Marimuthu
3.Sivasubramanian
4.Muthukumar
5.Angu Parameshwari

6.The Director,
Corporation (Admn),
Ezhilagam, 6th Floor, Chepauk,
Chennai.

7.The Director of Urban Development,
No.807, Anna Salai, Chennai -2.

8.The Commissioner,
Dindigul Corporation,
Dindigul.

: Respondents/2 to 8 Respondents/
2 to 8 Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order and decree dated 04.06.2018 made in I.A.No.231 of 2017 in O.S.No.224 of 2010 on the file of the Additional District Munsif, Dindigul, Dindigul District and allow the above said CRP.

For Petitioners : Mr.G.Gomathi Sankar
For Respondent No.1 : Mr.R.R.Kannan
For Respondents 2 to 5 : No appearance
For Respondent No.8 : Mr.J.Lawrance
For Respondents 6&7 : Proof not filed

**ORDER**

O.S.No.224 of 2010 was instituted by the first respondent herein seeking the reliefs for declaration and permanent injunction. The plaintiff represents the interest of the persons who had purchased plots in M.V.M. Nagar layout. The plaintiff filed I.A.No.231 of 2017 for amending the plaint as described in the petition. The plaintiff now wants to make out a case that the general public also have interest in the subject matter of the suit.

2.The case of the plaintiff is that the said residential layout was promoted and certain sites were reserved for public purposes. The allegation of the plaintiff is that the said earmarked and reserved sites are sought to be alienated for commercial use. It is this that is sought to be restrained by the plaintiff. Therefore, in the very nature of things, the general public is bound to have an interest in the matter.

3.The counsel for the revision petition pointed out that the suit has not been filed in a representative capacity and leave in terms of Order I Rule 8 of the Code of Civil Procedure has not been availed. But then, it is settled law that such leave can be granted at any stage.

4.More than anything else, trial is yet to commence. It has been consistently held that pre-trial amendments will have to be viewed liberally and indulgently. Since, the plaintiff only wants to preserve the public purpose character of the reserved sites in residential layout, the learned trial Munsif was justified in allowing the amendment application as prayed for. No case has been made out for interference. There is no merit in this Civil Revision Petition. Therefore, this Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-III)

To
The Additional District Munsif,
Dindigul, Dindigul District.

+1CC to Mr.G.Gomathi Sankar, Advocate, SR.No. 77935
+1CC to Mr.R.R.Kannan, Advocate, SR.No. 77968
+1CC to Mr.J.Lawrance, Advocate, SR.No. 78395

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