



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 31.08.2018

CORAM

WEB COPY

**THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN**

C.R.P. (MD) .No.1824 of 2018 and  
C.M.P. (MD) No.7992 of 2018

1. M.Mahendran
2. M.Pushpanathan

... Petitioners/Plaintiffs/  
Petitioners

**Vs.**

1. The District Collector,  
Office of the District Collector,  
Thanjavur.
2. The Tahsildar,  
Office of the Tahsildar,  
Pananasam Taluk,  
Thanjavur District.

... Respondents/Defendants/  
Respondents

**PRAYER :** Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order and decree dated 19.07.2018 made in I.A.No.88 of 2018 in O.S.No.131 of 2015 on the file of the District Munsif Court, Thiruvaiyaru.

|                 |                                             |
|-----------------|---------------------------------------------|
| For Petitioners | : Mr.D.Rajagopal                            |
| For Respondents | : Mr.M.Karuppasamy,<br>Government Advocate. |

### **O R D E R**

The plaintiffs in O.S.No.131 of 2015 on the file of the learned District Munsif, Thiruvaiyaru, are the Revision petitioners herein. The Revision petitioners herein filed W.P.No.25109 of 2015 questioning the order dated 27.07.2015 passed by the Commissioner of Land Administration, Chepauk, Chennai. While dismissing the said Writ petition, the learned Judge by order dated 13.08.2015, granted liberty to the Revision petitioners herein to file a comprehensive suit. It was further directed that the Status Quo that prevailed on 13.08.2015 shall remain for a period of two weeks. Thereafter, the present suit came to be filed. The Revision petitioners herein took out I.A.No.445 of 2015 seeking the relief of Interim Injunction. The trial Court granted only an order of Status Quo which was subsequently made absolute. Seeking review of the said order, the Revision petitioners filed I.A.No.88 of 2018. The same was dismissed by order dated 19.07.2018. Questioning the correctness of the said order, this Civil Revision petition has been filed.

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2. Heard the learned counsel on either side.

3. Before this Court, Thiru.Selvaraj, Deputy Tahsildar of Papanasam Taluk, is present in person to assist the learned Government counsel. It is seen that the suit schedule contains Survey Nos.21/1B and 21/3 of Vaiyachery Post, Punniyanallur Village, Papanasam Taluk. The learned Government counsel made available the relevant "A" Register. It is seen that Survey No.21/1B is in the name of one Muniyappa Moopanar and one Ramachandra Iyer. Likewise Survey No.21/3 is in the name of one Rengasamy. Survey No.21/2 appears to be a pathway/Sarkar Poramboke (சர்க்கார் பொறம்போக்கு). Since the suit property is not in respect of Survey No.21/2, the trial Court ought to have granted the relief of interim injunction in respect of these two survey numbers. Therefore, the Court below erred in declining to review the order earlier passed.

4. It is true that this Court while disposing W.P.No.25109 of 2015 directed maintenance of the Status Quo. But that order was only for a period of two weeks to enable the Revision petitioners to file a comprehensive suit. Therefore, the Court below ought to have seen the position that obtained on the date of filing of the suit. The learned counsel for the Revision petitioners would specifically allege that after the order of Status Quo was passed, the Government officials misconstruing the same, laid a pathway across the fields of the Revision petitioners. But then, this has to be the subject matter of independent proceedings. The order passed by the learned District Munsif, Thiruvaiyaru, in I.A.No.88 of 2018 in O.S.No.131 of 2015, dated 19.07.2018, is set aside. I.A.No.445 of 2015 is allowed as prayed for.

5. The Civil Revision petition stands allowed, accordingly. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar (CS-I)

To

The District Munsif, Thiruvaiyaru.

**Copy To:-**

The Record Keeper, V.R.Section,  
Madurai Bench of Madras High Court,  
Madurai. (2 Copies)

+ 1 CC TO Mr.D.RAJAGOPAL, ADVOCATE IN SR No. 82038

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 81779

PMU

TE/RSK/SAR-1 : 24/09/2018 : 2P/6C

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