

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2019

CORAM:

THE HONOURABLE **MR. JUSTICE C.SARAVANAN**

C.R.P(PD).No.1550 of 2015

1. K.Marudhachalam
2. K.R.Rajendran Petitioners

Vs.

1. The Secretary,
Minister In-Charge of Registration,
St. George Fort, Chennai.

2. State Represented by the District Collector,
Office of the Collectorate,
Coimbatore – 641 018.

3. The Inspector General of Registration,
No.100, Santhome Highway,
Chennai – 600 028.

4. The District Registrar,
Coimbatore – 641 018.

5. The Sub-Registrar,
Vadavalli, Coimbatore – 641 041. Respondents

Prayer: Civil Revision Petition is filed under Article 227 of Constitution of India, against the Fair and Decretal Order of the II Additional Subordinate Judge's Court at Coimbatore, dated 17.07.2014 in C.M.A.No.65 of 2013

confirming the fair and decreetal order of the Principal District Munsif Court at Coimbatore dated 13.08.2013 in I.A.No.513 of 2013 in O.S.No.753 of 2013.

For Petitioners : Mr.P.Valliappan

ORDER

The petitioners have filed I.A.No. 513 of 2013 in O.S.No. 753 of 2013 for an interim injunction to restrain the respondents from putting up construction of a building at the suit schedule property and for a mandatory injunction to put up the construction as per the original proposal at the schedule "B" property. By an order dated 13.8.2013, the Court dismissed I.A.No.513 of 2013.

2. Aggrieved by the same, the petitioners preferred C.M.A.No. 65 of 2013 before the 2nd Additional Subordinate Judge's Court. By the impugned fair and decreetal order dated 17.07.2014, the II Additional Subordinate Judge's Court, Coimbatore dismissed the appeal.

3. Aggrieved by the same, the present Civil Revision Petition has been filed. It is submitted that the court below erred in refusing to grant

interim injunction as prayed for. It was submitted that the court erred in concluding that the suit was not maintainable and that only a writ remedy was available to the petitioners.

4. Learned counsel for the respondents submits that the impugned order is well reasoned and therefore the present Civil Revision Petition is liable to be dismissed.

5. The suit has been filed for a permanent injunction to restrain the respondents from constructing a new building for the office of the Sub- Registrar, Vadavalli at the Schedule "A" property. The suit has been filed on the ground that by putting up construction at the Schedule "A" property, the public would be put to inconvenience as it will not be easily accessible to them.

6. Learned counsel for the respondents submits that by this time the respondents would have also completed the construction and therefore nothing remains to be adjudicated in the suit. In any event, the petitioners has not enjoyed interim injunction all through the period during the

pendency of the suit, appeal or the present Civil Revision Petition and therefore there is no necessity to interfere with the impugned order of the lower court and the appellate Court at this stage.

7. I am of the view that the present Civil Revision Petition seeking to set aside the impugned orders the lower Court as affirmed by the appellate Court does not require any difference at this distant point of time in view of the fact that there has been no injunction all through the period. Therefore, I'm dismissing the present Civil Revision Petition without going into the merits of the submission.

8. Further the suit is of year 2013 and because of the pendency of the present Civil Revision Petition, the Suit has not been taken up for Final Disposal by the II Additional Subordinate Judges Court, Coimbatore. I therefore direct the II Additional Subordinate Judges Court, Coimbatore to dispose the suit within a period of six months from date of receipt of this order.

9. The present Civil Revision Petition stands disposed with the above observation. No cost.

01.07.2019

arb

Index :Yes/No

Internet : Yes/No

To

1.The II Additional Subordinate Judge's Court, Coimbatore.

2.The Principal District Munsif, Coimbatore.



WEB COPY

C.SARAVANAN, J.

arb



C.R.P (PD)No.1550 of 2015

WEB COPY

01.07.2019