

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:02.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.R.P.(PD) No.2526 OF 2019
and
C.M.P.No.16690 OF 2019

Soliyappan

... Petitioner

Vs.

- 1.The District Collector,
Salem District,
Salem.
- 2.The Revenue Divisional Officer,
Mettur Division,
Mettur, Mettur Taluk,
Salem District.
- 3.The Tahsildar,
Mettur Taluk Office,
Mettur,
Salem District.
- 4.The Revenue Inspector,
Mecheri Town,
Mecheri Village and Post,
Mettur Taluk,
Salem District.
- 5.The Village Administrative Officer,

Mecheri Village,
Mecheri post,
Mettur Taluk,
Salem District.

6.Vimal

7.Murugesan

8.Dinesh

9.Ambigai

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Article 227 of Constitution of India, praying to grant an order of injunction restraining the respondents herein, their men and agents from trespassing into and disturbing the peaceful possession and enjoyment of the suit property by the petitioner, in any manner, pending disposal of the I.A.No.4 of 2019 in O.S.No.49 of 2019 on the file of District Munsif, Mettur, Salem District.

For petitioner : Mr.D.Selvaraju

ORDER

The petitioner filed a suit for injunction against the respondents from trespassing and disturbing peaceful possession and enjoyment of the suit.

2. Notice was served to the respondents and they have entered appearance. Thereafter, the official respondents, initiated

parallel proceedings affecting the rights of petitioner. The second respondent issued Na.Ka.903-2019-D dated 08.07.2019 calling for enquiry, during pendency of the injunction petition in the suit filed by the petitioner.

3. When a Civil Court has seized of the matter where the official respondents entered appearance, thereafter they cannot take any parallel action, which will have direct impact on the subject matter. In the instant case, the official respondents are yet to file the counter and written statements. Without doing so, the action initiated by the second respondent is not permissible. The petitioner has made out a prima facie case for staying all further proceedings pending disposal of the interim application pending before the trial Court. The Trial Court, even though issued notice in the injunction petition on 19.06.2019, it is still in the stage of service of summons and filing of counter.

4. Considering the facts and circumstances, a direction is issued to the District Munsif Court, Mettur to dispose of I.A.No.4 of 2019 in O.S.No.44 of 2019 within a period of one month from the date of receipt of a copy of this order. Till such time all further proceedings of the official respondents particularly, the second respondent will remain stayed.

M.GOVINDARAJ, J.

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5. Accordingly, the Civil Revision Petition is disposed of with the above observation and directions. No costs. Consequently, connected civil miscellaneous petition is closed.

02.08.2019

Index: Yes/No
Speaking Order/Non Speaking order.

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To

The District Munsif, Mettur, Salem District.

Note: Issue order copy on 05.08.2019

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and
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