

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2019

CORAM:

THE HONOURABLE Mr.JUSTICE R.SURESH KUMAR

C.R.P.(PD)No.2934 of 2019 and
C.M.P.No.18979 of 2019

1.Ramamoorthy
2.Dhanapal
3.Chakkaravarthi

... Petitioners

Vs.

1.Selvi
2.The District Collector,
Tiruvannamalai.
3.The District Revenue Officer,
Tiruvannamalai.
4.The Revenue Divisional Officer,
Tiruvannamalai.
5.The Tahsildar,
Tiruvannamalai.
6.The Assistant Executive Engineer,
Highways Department,
Construction and Maintenance,
Tiruvannamalai.

... Respondents

Prayer: Petition filed under Article 227 of the Constitution of India praying to strike off suit proceedings in O.S.No.136 of 2019 on the file of the Principal District Munsif Court, Tiruvannamalai.

For Petitioners

: Mr.P.S.Kothandaraman

ORDER

This revision has been filed, invoking Article 227 of the Constitution of India, with a prayer to strike off the suit proceedings in O.S.No.136 of 2019 on the file of the Principal District Munsif, Tiruvannamalai.

2.I have heard the learned counsel appearing for the petitioner and I have gone through the papers, including the copy of the plaint in O.S.No.136 of 2019, where the revision petitioners are the defendants 1 to 3, apart from, some official respondents are there, like District Collector, District Revenue Officer, Revenue Divisional Officer and Tahsildar.

3.Some relief had been sought for in the said suit against the defendants.

4.In this context, it is the case of the petitioners, as projected by the learned counsel for the petitioners that, the suit itself is not maintainable. Therefore, the plaint should be struck off.

5.However, in order to get the said relief, it is for the petitioner to move an appropriate application before the Court below under the provisions of the Civil Procedure Code and for the said purpose, the revision petitioners cannot invoke Article 227 of the Constitution of India, which is a superintending power vested with this Court. If the Court below has not exercised the power vesting it or exceeding the power vesting it, this Court can invoke Article 227 of the Constitution. Here in the case in hand, that situation does not arise, as no such petition seems to have been filed by the revision petitioners before the Court below to strike off the plaint and therefore, under the circumstances, the present invocation of Article 227 of the Constitution of India, in this revision, cannot be entertained.

6.In that view of the matter, this Civil Revision Petition deserves to be dismissed and accordingly, it is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

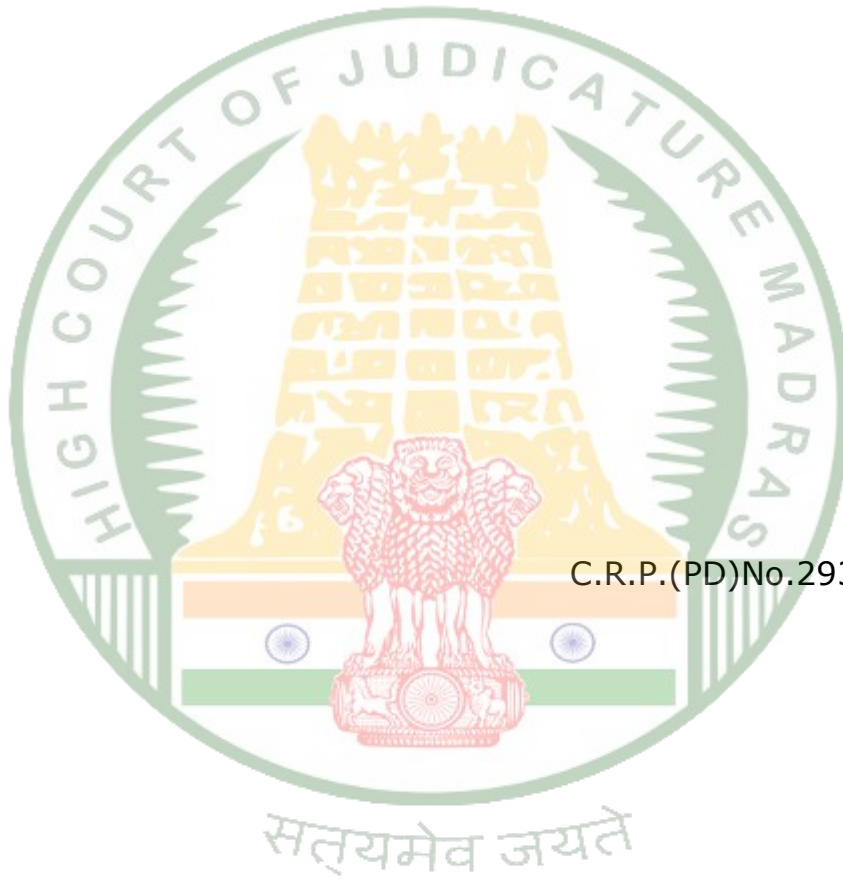
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Sgl
To
The Principal District Munsif Court,
Tiruvannamalai.

C.R.P.PD.No.2934 of 2019

R.SURESH KUMAR, J.

Sgl



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