

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2019

CORAM:

THE HONOURABLE Mr. JUSTICE R.SURESH KUMAR

C.R.P.(PD) Nos.3836, 3839, 3840 of 2019
and
C.M.P.No.25321 of 2019

1.J.P.Kandasamy

2.P.Natarajan

Vs.

... Petitioners in all CRPs

1. The State of Tamil Nadu
Rep. by its District Collector,
Erode District, Erode.
2. The Assistant Director of Town Panchayat
III Floor, Collectorate,
Erode Post, Erode District.
3. The Executive Officer,
Jambai Town Panchayat,
Jambai Post,
Bhavani Taluk, Erode District.
4. The President,
Jambai Town Panchayat,
Jambai Post, Bhavani Taluk
Erode District.
5. The Deputy Director of Town and Country Planning,
Salem Region, 6, Sannathi Street,
Subramania Nagar,
Salem- 636 005.
6. The Director of Town and Country Planning
Opposite to Life Insurance Corporation of India
Sengalvarayan Building,
D.No.807 Anna Salai,
Chennai - 600 002.
7. The Junior Engineer/O & M
TANGEDCO
Gobi Electricity Distribution Circle,

Jambai Post,
Bhavani Taluk, Erode District.

8. The Assistant Executive Engineer / O & M
TANGEDCO
Gobi Electricity Distribution Circle,
Varnanpuram, Bhavani Post,
Bhavani Taluk, Erode District.

9. The Executive Engineer/ O & M
TANGEDCO
Gobi Electricity Distribution Circle
Thanaprakash Building, Bhavani Post,
Bhavani Taluk, Erode District.

10. The Superintending Engineer,
TANGEDCO
Gobi Electricity Distribution Circle,
Gobichettipalayam Post,
Gobi Taluk, Erode District.

11. The Assistant Accounts Officer/ O & M
Revenue Division,
TANGEDCO, Gobi Electricity Distribution Circle,
Bhavani Post, Bhavani Taluk, Erode District.

12. K.P.Arumugam ... Respondents in all CRPs
[RR 1 to 11 given up as un-necessary parties vide separate memo].

Prayer: Petitions filed under Article 227 of the Constitution of India, praying to set aside the fair and decretal order dated 16.10.2019 made in I.A.Nos.5, 4 and 3 of 2019 in O.S.No.70 of 2013 respectively on the file of the I Additional District Munsif Court, Bhavani.

For Petitioners : Mr.Zeenath Begum

Respondent No.12 : Mr.B.Kumarasamy
Caveator

COMMON ORDER

These revision petitions have been directed against the fair and decretal order made in I.A.Nos.5, 4 and 3 of 2019 respectively in O.S.No.70 of 2013 on the file of the I Additional District Munsif Court, Bhavani, by order dated 16.10.2019.

2.Before the trial Court, the petitioners are the plaintiffs, who filed the suit for bare injunction against the respondents 1 to 6 as well as respondents 7 to 11 from giving any plan approval to the 12th respondent in respect of the suit property as well as from providing any electricity service connection to the 12th respondent in respect of the suit property.

3.In that suit, trial was over and it is posted for argument, at that stage, the present applications have been filed to reopen and recall the evidence on the side of the plaintiffs and to summon two documents from the Sub Registrar, Bhavanisagar and to recall the witness P.W.1 for further examination. These applications, filed by the petitioners/plaintiffs before the Court below, was rejected by the trial Court through the impugned order, as against which, the present revisions have been filed.

4.I have heard Mrs.Zeenath Begum, learned counsel appearing for the revision petitioners and Mr.B.Kumarasamy, learned counsel appearing for the 12th respondent, who entered appearance through caveat.

5.The learned counsel appearing for the revision petitioners would submit that, the 12th respondent is trying to trespass the suit property, which belongs to the plaintiffs and therefore, the suit has been filed seeking for permanent injunction restraining the Government respondents i.e., respondents 1 to 6 not to give any planning permission to the 12th respondent and respondents 7 to 11 not to give any electricity supply connection to the 12th respondent, if the 12th respondent approaching these Government respondents.

6.In that context, it is the case of the revision petitioners/ plaintiffs that, two Wills have been executed, through which, the plaintiffs claimed title over the property and in order to prove the same, they wanted to mark those two Wills registered in the concerned Register Office and therefore, these documents to be summoned and through P.W.1, they have to be marked. Only for that purpose, this reopen and recall petitions were filed, since the same were dismissed through the impugned order, the petitioners are before this Court.

7.I have considered the said submissions made by the learned counsel appearing for the revision petitioners and also the learned counsel appearing for the 12th respondent, who would submit that, the case is in the argument stage and these petitions have been filed only to drag on the proceedings without any plausible reason.

8.After having gone through the documents filed before this Court and after having gone through the impugned order, this Court feels that, the prayer sought for in the very suit itself is only against the official respondents only in respect of giving any plan approval to the 12th respondent and giving any electricity connection to the 12th respondent, when that being the position, in order to establish the said case, the alleged Will, through which they claimed title, may not be required. Moreover, if at all any documents on the side of the plaintiffs, had to be filed, they could have filed well in advance and after completing the trial and when the matter is posted for arguments, these petitions have been filed without any acceptable reason. Therefore, this Court feels that, there is absolutely no infirmity in the order passed by the Court below in rejecting all these applications. As such, the order impugned does not warrant any interference from this Court. Accordingly, these Civil Revision Petitions fail and hence, it is dismissed. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Sgl

To

The I Additional District Munsif Court,
Bhavani.

+lcc to M/s.Zeenath Begum, Advocate, Sr.No.99496

+lcc to Thiru.B.Kumarasamy, Advocate, Sr.No.99365

WEB COPY

C.R.P. (PD) Nos.3836, 3839, 3840 of 2019

MR (CO)
GS (08/06/2020)