



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2019

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (PD) (MD) No.1338 of 2019

and

C.M.P(MD) .No.7252 of 2019

WEB COPY

1.M.Mahendran

2.M.Pushpanathan

:Petitioners/Petitioners/Plaintiffs

-vs-

1.The District Collector
Thanjavur District

2.The Tahsildhar

Papanasam

Thanjavur District

:Respondents/Respondents/Defendants

PRAYER: Civil Revision Petition is filed, under Article 227 of the Constitution of India, to call for the records in I.A.No.433 of 2017 in O.S.No.131 of 2015 on the file of the District Munsif Court, Thiruvaiyaru and set aside the Docket Order dated 29.07.2019.

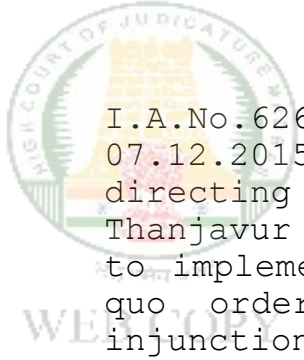
For Petitioners : Mr.D.Rajagopal

For Respondents : Mr.J.Gunaseelan Muthiah
Additional Government Pleader

O R D E R

This Civil Revision Petition has been filed to call for the records in I.A.No.433 of 2017 in O.S.No.131 of 2015 on the file of the District Munsif Court, Thiruvaiyaru and set aside the Docket Order dated 29.07.2019.

2.The learned counsel for the petitioners would submit that the petitioners have filed the suit in O.S.No.131 of 2015 on the file of the District Munsif Court, Thiruvaiyaru against the respondents herein with respect to properties of an extent of 52 ares (1 acre and 28 cents) in R.S.No.21/1B of Vaiyachery Village Panchayat and Post, Papanasam Taluk, Thanjavur District and property to an extent of 29 ares comprised in R.S.No.21/3 of Vaiyacherry Village Panchayat and Post, Papanasam Taluk, Thanjavur District. Along with the suit, the petitioners filed an application in I.A.No.445 of 2015 for temporary injunction against the respondents herein. The learned counsel would further submit that the trial Court initially granted status quo order in I.A.No.445 of 2015 and to implement the order passed in I.A.No.445 of 2015, the petitioners filed an application in



I.A.No.626 of 2015 for police protection. After notice on 07.12.2015, final order has been passed in I.A.No.626 of 2015 by directing the Inspector of Police, Ayyampettai Police Station, Thanjavur to afford sufficient Police Protection to the petitioners to implement the order passed in I.A.No.445 of 2015. Since status quo order passed in I.A.No.445 of 2015 instead of granting injunction, the petitioners filed I.A.No.88 of 2018 to review the status quo order. The said application was dismissed on 19.07.2018. As against which, the petitioners filed C.R.P(MD).No.1824 of 2018 before this Court and this Court by order dated 31.08.2018 allowed the C.R.P and set aside the order passed in I.A.No.445 of 2015 and allowed I.A.No.445 of 2015 as prayed for, thereby granting injunction.

3.The learned counsel for the petitioners further submitted that since the Police officials failed to give police protection, the petitioners filed I.A.No.433 of 2017 to give suitable direction to the Inspector of Police, Ayyampettai Police Station, Thanjavur for implementing the order dated 07.12.2015 made in I.A.No.626 of 2015. The grievance of the petitioners is that without disposing the I.A on merits, by order dated 29.07.2019, the learned trial Judge closed the I.A.No.433 of 2017 stating that since the order of injunction was not complied, the petitioners have filed the contempt petition in Contempt Petition.No.198 of 2019 in C.R.P(MD).No.1824 of 2018 , wherein, this Court directed the learned District Munsif, Thiruvaiyaru to dispose of the suit in O.S.No.131 of 2015 within a period of three months from the date of receipt of a copy of the order.

4.I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents and also perused the materials available on record.

5. It is seen that since the injunction is still in force, it is the duty of the police to implement the order made in I.A.No.626 of 2015. Therefore, the learned counsel for the petitioners has rightly filed an application for police protection. In view of the order passed in Contempt Petition No.198 of 2019 in C.R.P(MD).No.1824 of 2019, the learned trial Judge has closed the application for police protection without any reason. In my considered opinion, though there is a direction for early disposal of the suit, since already there is an injunction in force by this Court, it does not mean that the injunction order should be violated. Hence, the docket order dated 29.07.2019 passed by the learned District Munsif, Thiruvaiyaru in I.A.No.433 of 2017 in O.S.No.131 of 2015 is set aside and till the disposal of the suit, the order will be restored.



6. With the above observation, this Civil Revision Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar (CS)

msa

To:

1. The District Munsif
Thiruvaiyaru

2. The District Collector
Thanjavur District

3. The Tahsildhar
Papanasam
Thanjavur District

4. The Record Keeper,
VR Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)

+1CC TO MR.D.RAJAGOPAL, Advocate Sr. No.80922

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 81535

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and

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SMV (CO)

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