

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2020

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

C.R.P (PD) No.1473 of 2020

Villagers of Arunvandadu, Sanarappatti

Represented by

1. Palaniyappan
2. Chittilingam
3. Madhayan
4. Kuppusamy
5. Selvaraj

... Petitioners

Vs.

1. The District Project Officer,
District Board Office, Salem District.

2. The Assistant Executive Engineer,
Panchayat Union Office,
Omalur, Salem District.

3. The Block Development Officer,
Panchayat Union Office,
Nangavali, Mettur Taluk-4,
Salem District.

4. The Panchayat Union Assistant Engineer,
Panchayat Union Office,
Nangavalli, Mettur Taluk, Salem District.

5. The President,
Sanarappatti Panchayat,
Vanavasi, Mettur Taluk – 636 457.
Salem District.

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order passed by the District Munsif Judge, Mettur, dated 20.07.2020 in C.F.R.No.1758 of 2020 (unnumbered O.S.No. Of 2020) and direct the suit to be numbered.

For Petitioners : M/s.P.Valliappan

ORDER

The petitioner filed a suit for permanent injunction restraining the respondent from destroying the *Odai* water body and laying a road over that.

2. The trial Court, relying on the order passed by this Court in W.P.No.25776 of 2006 dated 30.10.2015 that no Civil Court shall entertain any suit or proceeding in connection with the encroachments in the water bodies, has returned the plaint as not maintainable as the trial Court has no jurisdiction in view of the order of this Court.

3. I have perused the order of this Court stated supra. The order is only with respect to granting interim injunction in favour of the encroachers on the water body and public properties. Here the petitioner has filed the suit to prevent the encroachment. Therefore, the order relied on by the trial Court is not applicable to this case.

4. In view of the above, a direction is issued to the trial Court to entertain the Civil Suit filed by the petitioner in C.F.R.No.1758 of 2020 dated 20.07.2020 and proceed further in accordance with law.

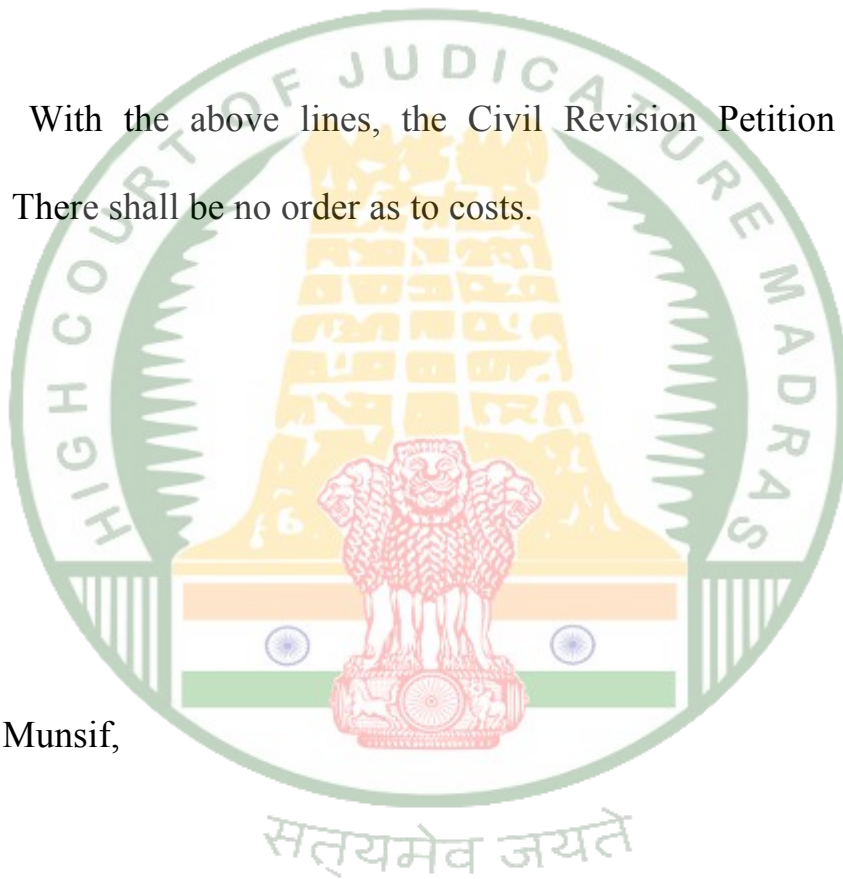
With the above lines, the Civil Revision Petition is ordered accordingly. There shall be no order as to costs.

17.08.2020

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To

The District Munsif,
Mettur,

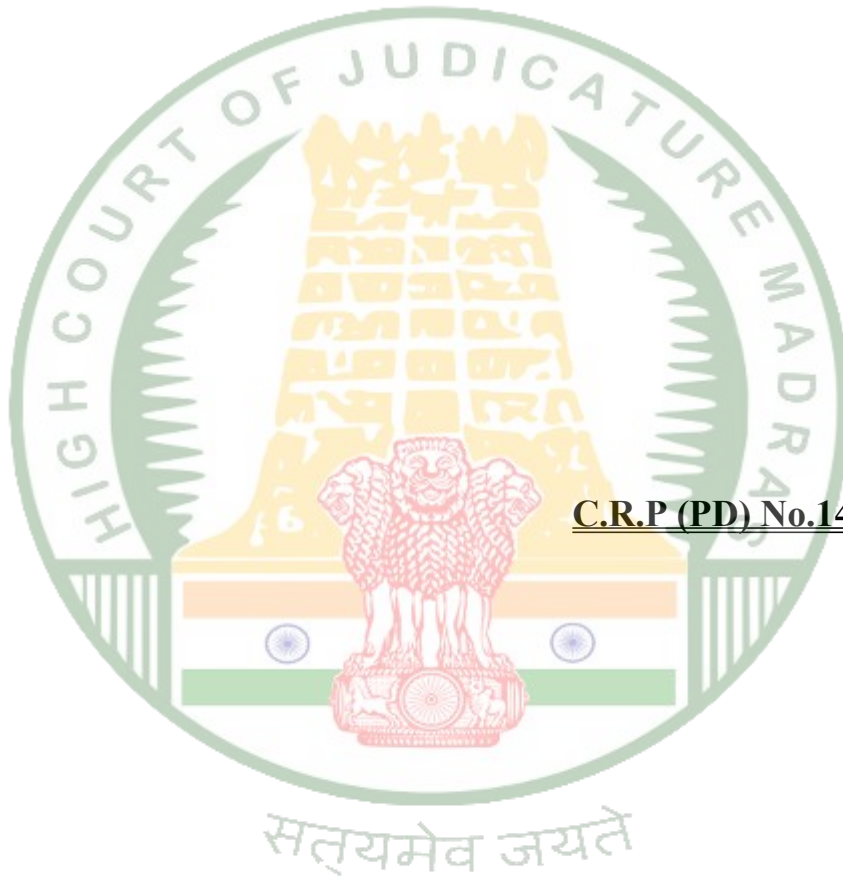


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M.GOVINDARAJ, J.

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