

C.R.P.(NPD) No.3401 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2020

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

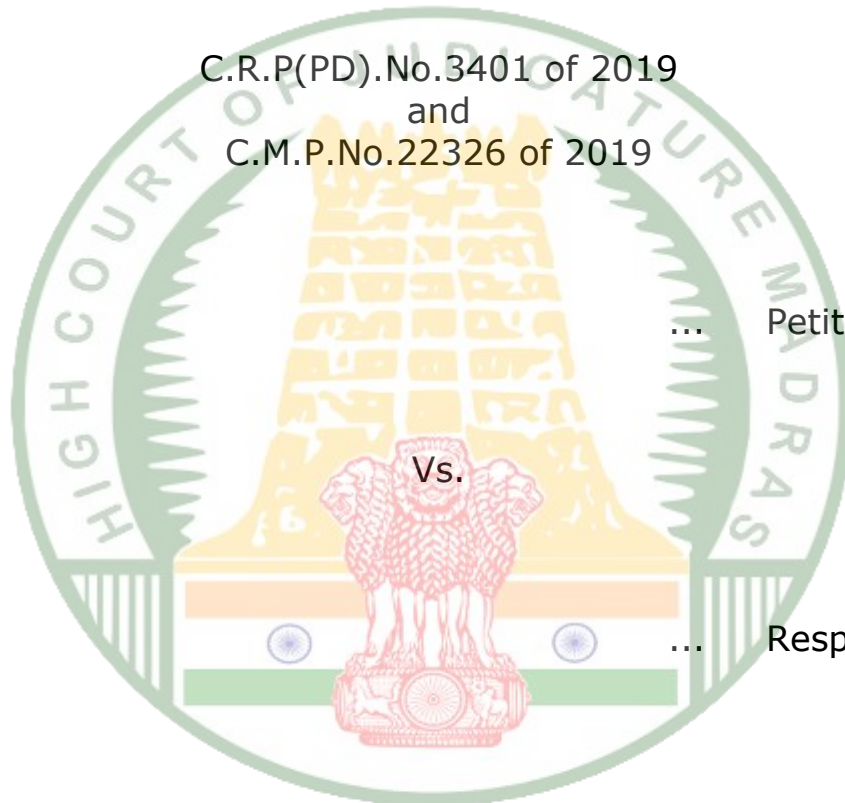
C.R.P(PD).No.3401 of 2019
and
C.M.P.No.22326 of 2019

Nirmala

... Petitioner

Velraj

... Respondent



PRAYER : Civil Revision Petition filed under article 227 of the Constitution of India to set aside the fair and final order dated 05.09.2019 in I.A.No.8 of 2019 in O.S.No.211 of 2015 on the file of the Principal District Munsif Court, Erode and allow the Civil

Revision Petition.

For Petitioner : Mr. S. Kaithamalai Kumaran

ORDER

This Civil Revision Petition has been filed against the order of dismissing the petitioner's application filed under Order 16 Rule 15 of CPC to summon the Member/Secretary, Local Planning Authority, Erode and also to produce the approved lay out in respect of suit schedule property.

2. The respondent/plaintiff filed a suit in O.S.No.211 of 2015 on the file of the Principal District Munsif Court, Erode, for permanent injunction restraining the petitioner/defendant from interfering with the suit schedule property. Since there is a dispute regarding the extent of the suit schedule property

purchased by the plaintiff, the respondent/plaintiff has produced a xerox copy of the approved lay out of the house site in order to prove his case. Now, the present application has been filed on the ground that the area purchased is more than the extent mentioned in the approved lay out and in order to establish the same, the petitioner has filed the present application. The trial Court by an order dated 05.09.2019 dismissed the said application on the ground that if at all there is any dispute in the approved lay out, the petitioner can obtain a certified copy of approved layout and also mark the same before the Court. The member/secretary, Local Body, Town Planning Authority need not be summoned to mark the document. Now, challenging the same, the present revision has been filed.

3. I have heard the learned counsel for the petitioner and perused the materials available on records.

4. If at all the petitioner has any dispute regarding the

extent of the house site in the approved layout, it can be proved by marking the certified copy of the approved lay out after obtaining it from the concerned authority and for that purpose the local member /secretary of the Town Planning authority need not be summoned to appear before this Court and mark the document. In the above circumstances, I find no illegality or irregularity in the order passed by the Court below and I find no merit in the revision petition.

5. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

6. At this stage, the learned counsel appearing for the petitioner would submit that even though the petitioner applied for the certified copy of the approved layout, it is not furnished by the concerned Local Planning Authority and suitable direction may be issued.

7. It is always open to the petitioner to approach the Local Planning Authority and obtain certified copy of the approved lay out and mark the same before the Court. If any application is filed by the petitioner seeking for certified copy of the lay out, its needless to say that the Local Planning Authority is bound to give a certified copy of the same on payment of necessary fees.

06.01.2020

Index:Yes/No
Internet:Yes
Speaking/Non-speaking order

mrp

Note : Issue order copy on 20.01.2020

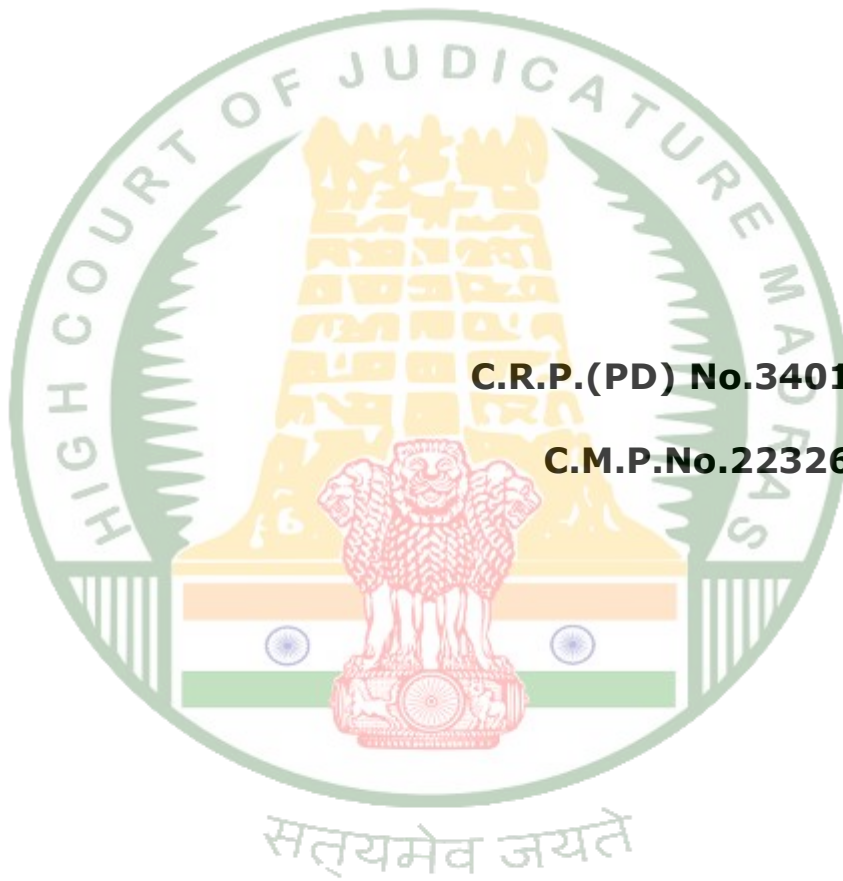
To

Principal District Munsif Court,
Erode.

C.R.P.(NPD) No.3401 of 2019

V.BHARATHIDASAN, J

mrp



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6/6