



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 17.09.2020
CORAM:

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WEB COPY

C.R.P. (PD) (MD) No. 2439 of 2013
and
M.P. (MD) No. 1 of 2013

RM.Subramanian

... Revision Petitioner/
2nd respondent/2nd defendant

Vs.

1.The State of Tamilnadu,
Represented by
District Collector,
Pudukkottai.

... 1st Respondent/
Petitioner/Plaintiff

2.Lakashmanan Chettiyar
3.Vellaicchamy

... 2nd & 3rd Respondents/
1,3 Respondents/1,3 defendants

4.Administrative Officer,
Panchayat Union,
Ponnamaravathy

... 4th Repondent/
4th Respondent/4th Defendant

PRAYER: This Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the Fair and Decreetal order passed in I.A.No.59 of 2013 order dated 13.11.2013 in O.S.No.96 of 2004 on the file of the District Munsif Court / Judicial Magistrate, Thirumayam.

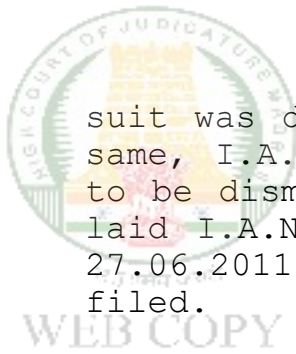
For Petitioner : Mr.Marimuthu
for Mr.D.Parisuthanathan

For Respondents: Mr.J.Gunaseelan Muthiah,
Additional Government Pleader for R1

Mr.S.Chandrasekar for R4

ORDER

The Government of Tami Nadu has laid the suit in O.S.No.96 of 2004 for declaration of its title over the suit properties. This
<https://hcservices.ecourts.gov.in/hcservices/>



suit was dismissed for default on 18.03.2010 and for restoring the same, I.A.No.181 of 2010 was filed. I.A.No.181 of 2010 itself came to be dismissed for default and to restore the same, the plaintiff laid I.A.No.378 of 2011. I.A.No.378 of 2011 was also dismissed on 27.06.2011. To restore the same, the present I.A.No.59 of 2013 was filed.

2.It was averred in the affidavit filed in the petition for restoration that the learned Government Advocate appearing for the plaintiff was engaged in some other Court and hence, he could not appear before the Court. This was opposed by the respondents/defendants but, rejecting the same, the trial Court has restored the petition. This is now under challenge.

3.The approach of the plaintiff in prosecuting the suit is annoying to this Court. Though, the Government as the trustee of public property cannot be given a preferential treatment before the Court, still, it must be given its due space for protecting the public property. It is a case of plaintiff filing a petition to restore another petition, which, in turn was filed to restore yet another petition filed for restoration of the suit.

4.On perusing the papers, the Court finds that the trial Court has taken into consideration necessary factors for restoring the suit. This Court does not find infirmity in the approach of the trial Court and hence, this Court does not find any reason to interfere with the same.

5.In the result, the Civil Revision Petition is dismissed and the order passed in I.A.No.59 of 2013 dated 13.11.2013 in O.S.No.96 of 2004 on the file of the District Munsif Court, Thirumayam is confirmed. No costs. Consequently, the connected miscellaneous petition is closed.

6.The Registry is directed to fax a copy of this order directly to the District Collector, Pudukkottai for him to realize how the District Administration take stock of affairs affecting the properties of the Government in his District.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

1.The District Collector,
Pudukkottai. (Through Fax)

2.The District Munsif Court / Judicial Magistrate,
Thirumayam.

C.R.P. (PD) (MD)No.2439 of 2013

and

M.P. (MD)No.1 of 2013

17.09.2020

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SDS (30.09.2020) 3P-3C