



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 11.11.2020
CORAM

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

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C.R.P(MD) .Nos.854 and 855 of 2020 and
CMP(MD) .No. 5687 of 2020 in
CRP(MD) .No.855 of 2020

N.V. Gurusamy (died)

1.G. Venkita Krishnan

2.Selvakumari

3.Thandayuthapani : Petitioners in both C.R.Ps./Plaintiffs

Vs.

1.The District Collector,
Collectorate,
Dindigul,
Dindigul District.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Dindigul,
Dindigul District.

3.The Tahsildar,
East Taluk Office,
Dindigul East Taluk,
Dindigul District.

4.Balasubramanian : Respondents in both CRPs/Defendants

Prayer: These Civil Revision Petitions are filed under Article 227 of the Constitution of India against the Judgment and Decree in CMA (MD).Nos. 31 and 32 of 2017 on the file of the Additional Sub Court, Dindigul, dated 26.02.2020 against the fair and decreetal order in I.A.Nos.544 and 545 of 2014 in O.S.No.523 of 2014, dated 14.09.2017 on the file of Principal District Munsif Court, Dindigul.

For petitioners in both C.R.Ps. : M/s. S.A. Ajmalkhan
For respondents 1 to 3 : Mr. J. Gunaseelan Muthiah
in both CRPs Additional Government Pleader



COMMON ORDER

These Civil Revision Petitions are directed against the dismissal of Injunction Applications, as confirmed by the First Appellate Court in C.M.A.Nos.31 and 32 of 2017 respectively.

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2. Both the Trial Court as well as the First Appellate Court have given a categorical finding that the petitioners are not entitled to the relief of injunction in respect of the property comprised in S.No.860/17, S.No.860/18, S.No.860/19 part and S.No.860/ 20.

3. The respondents in their counter have categorically stated that in respect of the property situated in S.No.860/18 alone, the petitioners have records in their favour and S.No.860/17 and S.No.860/19 are Government Promoboke and S.No.860/19 belonged to Narasingapuram Grama Natham Promboke land.

4. The Courts below have given a categorical finding that the petitioners have failed to prove their title, interest or right over the property in respect of S.No.860/17, S.No. 860/19 Part and S.No.860/20.

5. Even before this Court, the learned counsel for the petitioners is not able to produce any evidence in respect of the property situated in Survey numbers S.No.860/17, S.No. 860/19 Part and S.No.860/20. In such circumstances, I do not find any infirmity in the findings of the Courts below that the petitioners have not proved their right over the properties in respect of the above said Survey Numbers.

6. It is the admitted case of the respondents that the petitioners have title over the property situated in S.No.860/18 alone. Therefore, the petitioners are entitled to injunction in respect of the property situated in S.No.860/18 alone. The order passed by the Courts below is modified to that extent.

7. Accordingly, these Civil Revision Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

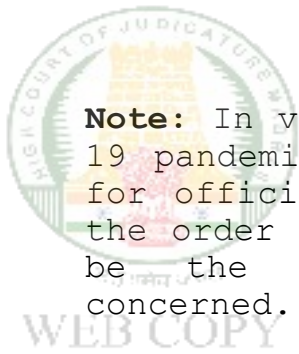
Assistant Registrar (CS-I)

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/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Additional Sub Judge, Dindigul.
2. The Principal District Munsif, Dindigul.

+1 CC to Mr.S.A.AJMAJKHAN, Advocate SR-22007.
+1 CC to the SPL GP SR-22018.

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PK(CO)
CS(17.12.2020) 3P 5C