

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 31.03.2021

CORAM:

THE HONOURABLE MRS. JUSTICE **V.BHAVANI SUBBAROYAN**

C.R.P.(PD) No.788 of 2021

Parvathi

...Petitioner

Vs

1.Sithaiyan

2.State of Tamil Nadu,
Rep., by the District Collector,
Collectorate, Salem.

3.The Thasildar,
Taluk Office, Metturdam,
Salem District.

4.Firka Surveyor,
Nangavalli Firka,
Nangavalli Post,
Mettur Taluk, Salem District.

5.Sub-Inspector of Police,
Police Station, Nangavalli Post,
Mettur Taluk, Salem district.

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to pass an order or direction, directing the Court below to dispose of O.S.No.133 of 2018 pending before the District

Munsif Court at Mettur, within the time frame as fixed by this Court.

For Petitioner : Mr.G.Mutharasu

ORDER

The prayer sought for in the present revision petition is to direct the learned District Munsif Court, Mettur to dispose of the suit in O.S.No.133 of 2018 within a stipulated time.

2. The first respondent herein had filed the suit in O.S.No.133 of 2018 before the District Munsif Court, Mettur for declaring that the defendant 2 to 5 are not entitled to carry out any changes in the Revenue Records with regard to S.No.136/6C of Periyasoragai Village without following the provisions of the Survey and Boundaries Act, 1923 and consequently passing a decree of permanent injunction restraining the defendants 2 to 5 from in any way carrying out any changes with regard to S.No.136/6C of Periyasoragai Village in the Revenue Records, in particular, in the FMB and passing a decree of permanent injunction restraining the first defendant and her from in any way disturbing the plaintiff's peaceful possession and enjoyment of the suit properties.

3. The learned counsel for the petitioner would submit that the petitioner is the owner of the above said property in S.No.136/6C to the extent of 0.27 Acres with specific boundaries out of 0.53.0 Hectares, in Periyasoragai Village. The petitioner has been possessing and enjoying the above said property from the date of purchase to till date. It is pertinent to note that the computerized patta-A registered Extract and FMB Sketch for the above said property and also some other properties jointly stands in the name of the petitioner and two others. Further he would submit that the respondent/plaintiff tried to trespass into the petitioner land in S.No.136/6C in Periyasoragai Village and pulled away boundary stones. Due to the above said reason, the petitioner gave a complaint against the respondent/plaintiff to the Nangavalli Police Station. The respondent/plaintiff tried to grab the petitioner's land without any legal basis. He would state that the respondent/ plaintiff had filed the above said suit and two I.A's only for harassing the petitioner. The respondent plaintiff is not intended to conduct the trial in the above said suit. The above suit in O.S.No.133 of 2018 is pending before the Court below for the past three years. Hence, the learned counsel for the petitioner prays to allow this petition.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. On a perusal of the adjudication orders, it is seen that this petition has been kept pending from 2018 onwards and written statement was also filed. The respondent/ plaintiff had filed the above said suit and two I.A's only for harassing the petitioner and they were also pending before the Court below. The entire nation has been facing the difficult situation of lock down for the past one year and hence, the Court below cannot proceed further with the interlocutory application. Taking into consideration the pandemic situation, a time limit may be specified to dispose of the interlocutory application, which could meet the ends of justice.

6. In view of the present stage of the suit in O.S.No.133 of 2018 and also taking into account that the suit was originally initiated in the year 2018, this Court directs the learned District Munsif, Mettur to dispose of the suit, within a period of six months from the date of receipt

of copy of this order. Accordingly, the civil revision petition stands disposed of. No costs.

31.03.2021

Index:Yes/No
Speaking order/Non Speaking order
sbn

To

The District Munsif Court,
Mettur.

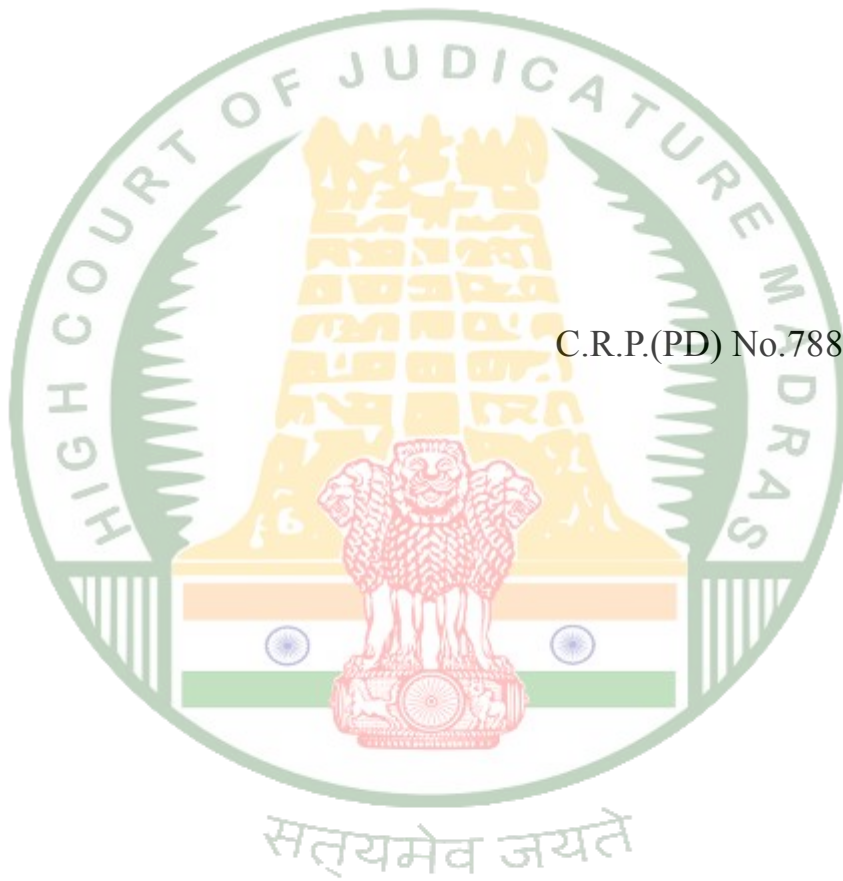


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V.BHAVANI SUBBAROYAN, J.

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