

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.NPD.No.2848 of 2009 and
MP.No.1 of 2009

Kumar

..Petitioner

Vs.

- 1.State of Tamilnadu,
Represented by
District Collector,
Cuddalore District
- 2.Parasuraman
- 3.Arun Roy

..Respondents

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the order and decretal order dated 30.01.2009 made in IA.No.120 of 2007 in AS.No.62 of 2005 on the file of the Sub Court, Chidambaram

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For Petitioner : Mr.C.R.Krishnamoorthy

For Respondents : Mr.S.Jaganathan,
Government Advocate(CS)

ORDER

This civil revision petition is directed as against order and decreetal order dated 30.01.2009 made in IA.No.120 of 2007 in AS.No.62 of 2005 on the file of the Sub Court, Chidambaram thereby dismissing the petition seeking to punish the respondent for the wilful disobedience of the order passed by the court below.

2. The petitioner is the plaintiff and the respondents are the defendants. The petitioner filed suit in OS.No.421 of 1999 for permanent injunction in respect of the suit property. It was decreed in his favour and aggrieved by the same, the respondents filed appeal suit. In the appeal suit, decree of injunction was modified as that the suit is decreed for injunction to restrain the defendants from removing the occupation of the plaintiff of the suit property except under due process of law. It is made clear that injunction is not in restrain of any proceedings initiated already or to be initiated under the Tamil Nadu Land Encroachment Act by the defendants. Thereafter, the petitioner's shop was forcibly evicted for the purpose of constructing railway over-bridge. The only contention of the petitioner is that the respondents without following Sections 6 and 7 of Tamil Nadu Land Encroachment Act, all of sudden they evicted the petitioner forcibly and demolished the petitioner's shop. Therefore, the

same was dismissed by the court below for the reason challenging action taken under Land Encroachment Act cannot be agitated in the civil proceedings.

3. It is also seen that now the suit property was taken over by the respondents for the purpose of constructing railway over bridge. Under these circumstances, it cannot be redelivered to the petitioner. As such this Court finds no irregularity or infirmity in the order passed by the court below.

4. Accordingly, this civil revision petition is dismissed. Consequently, connected miscellaneous petition is closed. No order as to costs.

18.02.2021

Speaking/Non-speaking order
Index : Yes/No
Internet : Yes/No
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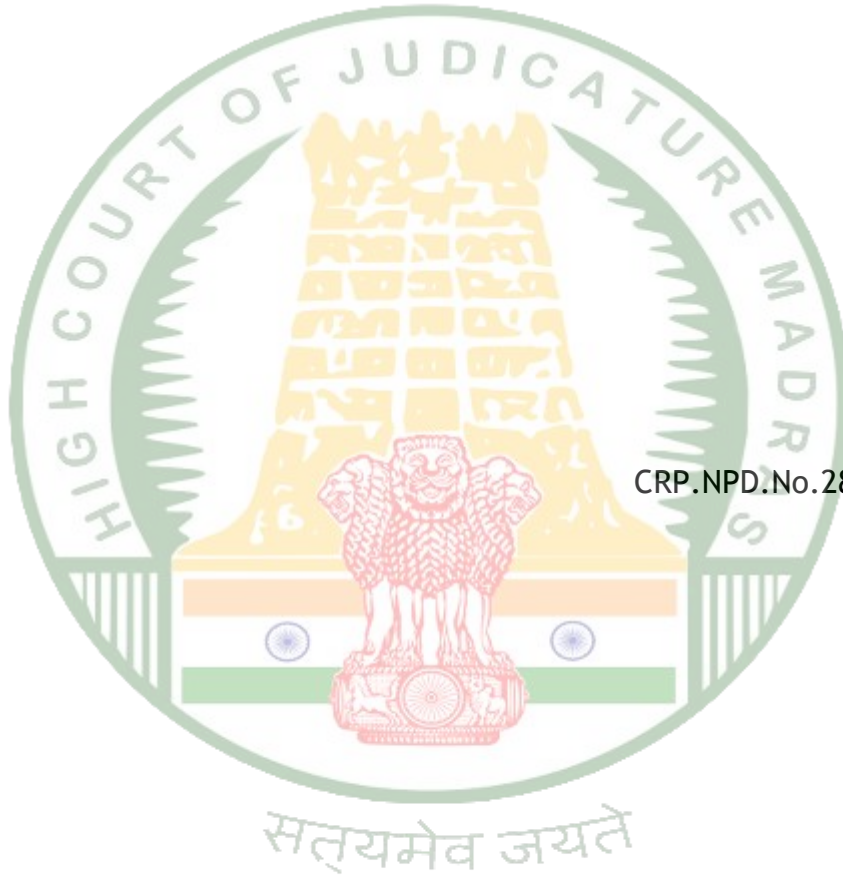
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G.K.ILANTHIRAIYAN,J.

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To

The Sub Court,
Chidambaram



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