

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

C.R.P.(P.D).No.3572 of 2015
and M.P.No.1 of 2015

N.Elumalai

...Petitioner

Vs

1.G.Chinnappa Pillai
2.The Tahsildar
Arakkonam Taluk
Vellore District.
3.The Revenue Divisional Officer
Ranipet
Vellore District.
4.The Collector
Vellore District
Vellore.

...Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to strike of the plaint in O.S.No.68 of 2015 on the file of the District Munsif Court at Arakkonam.

For Petitioner : Mr.R.Jayaprakash
For Respondents : Mr.S.Jaganathan,
GA (CS) for R2 to R4
No appearance for R1

ORDER

This Civil Revision Petition has been filed to strike of the plaint in O.S.No.68 of 2015 on the file of the District Munsif Court at Arakkonam, filed by the 1st respondent herein.

2.The 1st respondent filed the suit for the following reliefs:-

(A)For permanent injunction against the defendants 2 to 4 not to issue a patta the suit property bearing Door No.50, Big Street, Mahendravadi Village and Post, Arakkonam Taluk, Vellore District, morefully described in the schedule hereunder to and in terms of I item.

(B)Directing the defendants to pay the costs of the suit.

(C)Pass such further or other suitable orders as may deem fit and thus render justice.

3.In respect of the very same property, the petitioner herein filed the suit for declaration in O.S.No.76 of 2011, on the file of the District Munsif, Arakkonam, and the same was decreed in favour of the petitioner herein, as an absolute owner of the property. In pursuant to the injunction decree, the 1st respondent herein violated the same and as such he was also punished vide execution proceedings. Further, the 1st respondent filed the

writ petition in W.P.No.28862 of 2013 before this Court, to issue a Writ of Mandamus, directing the Tahsildar, Arakkonam Taluk, Vellore District, to issue patta in his favour for the very same suit schedule property. Though this Court directed the revenue officials to consider his representation, the petitioner herein has filed the review petition in Review Application (Writ) No.152 of 2014 and the same was allowed by order dated 30.06.2014. Thereafter the petitioner was also issued with patta by the 2nd respondent herein on 21.02.2017 for the suit schedule property. Suppressing the earlier decree granted in favour of the petitioner, the 1st respondent herein filed the present O.S.No.68 of 2015 for the above said reliefs.

4.The learned counsel for the petitioner also submitted that now the patta has been issued in favour of the petitioner by the 2nd respondent herein and he is in possession and enjoyment of suit schedule property. Therefore nothing survives in the suit and it is liable to be strike of.

5.In view of the submission and also the fact of the case I am inclined to stike of the plaint in O.S.No.68 of 2015 on the file of the District Munsif Court at Arakkonam.

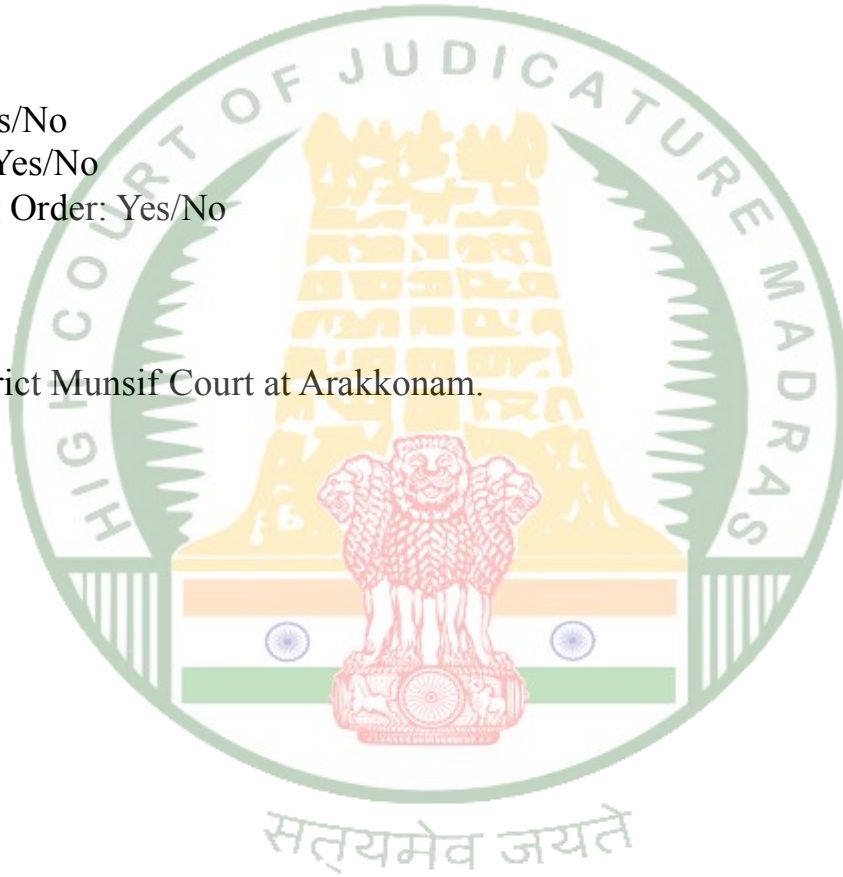
6.Accordingly the Civil Revision Petition is allowed and the

plaint in O.S.No.68 of 2015 on the file of the District Munsif Court at Arakkonam, is strike of. No order as to costs. Consequently connected miscellaneous petition is closed.

05.01.2021

Index: Yes/No
Internet: Yes/No
Speaking Order: Yes/No
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To
The District Munsif Court at Arakkonam.

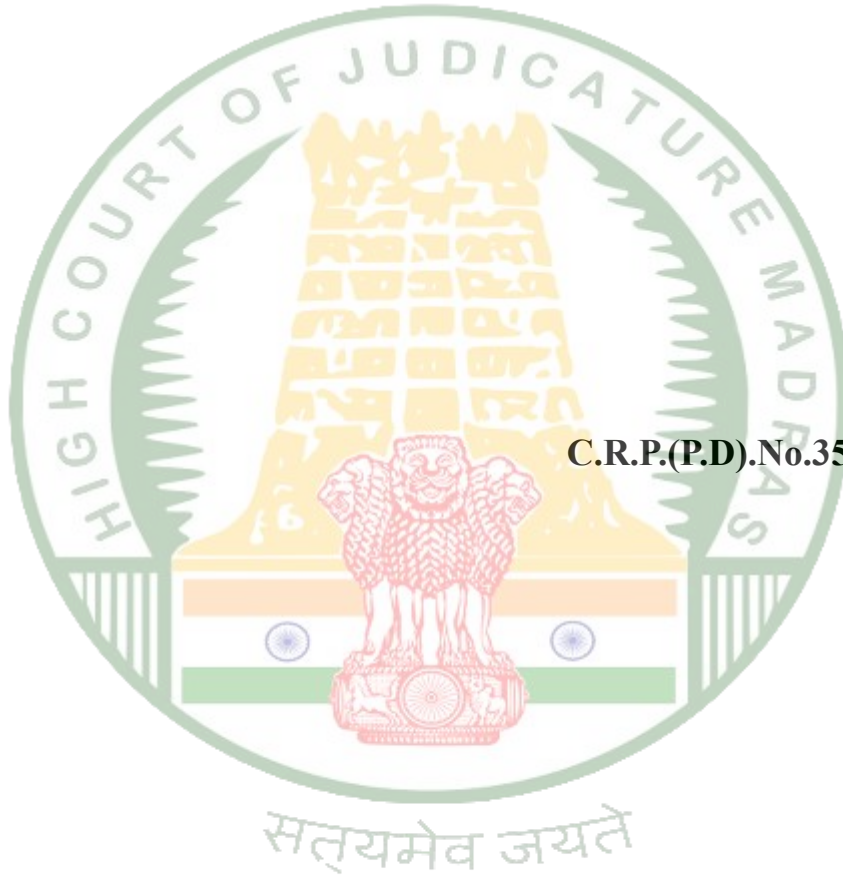


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