

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.09.2020

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

O.A.No.255 of 2020

in

C.S.No.162 of 2020

1.V.N.Devadoss

2.N.Baskar

3.B.Baskaran

4.D.Padma

... Applicants

J.Ravikumar
Respondent

सत्यमेव जयते

...

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Prayer: Judges summons filed under Order XIV Rule 8 of the Original Side Rules read with Order XXXIX Section (5) Rule 1 & 2 of CPC praying to grant an order of interim injunction restraining the respondent /

defendant or his men or any person or persons claiming through him from making any vexatious/frivolous/false allegation/s against them either by words in person or by writing slanderous and malicious statements by way of letter or such means like publication or in website or in any form in electronic media, thereby threatening the applicants/plaintiffs.

For Applicants : Mr.P.Elayarajkumar

ORDER

The above application is filed seeking the following reliefs:

“To grant an order of interim injunction restraining the respondent / defendant or his men or any person or persons claiming through him from making any vexatious/frivolous/false allegation/s against them either by words in person or by writing slanderous and malicious statements by way of letter or such means like publication or in website or in any form in electronic media, thereby threatening the applicants/plaintiffs”.

2. The suit in C.S.No.162 of 2020 has been filed seeking an injunction restraining the defendant or any persons claiming through him from making any vexatious / frivolous / false allegation against the plaintiff either by words in person or by writing slanderous and malicious statements by way of letters or such means like publication or in website or in any form in electronic media, threatening the plaintiffs and for damages of a sum of Rs.1,10,00,000/-.

3. The basis on which the above suit has been filed is that the respondent had booked a plot in the property that was being promoted by the applicants in the name and style of VGN Victoria Park. The respondent who evinced interest for the purchase of a plot was supplied with copies of the parent documents and other necessary documents but however the respondent kept insisting on asking irrelevant documents and did not show any interest in completing the formalities for the purchase of the property.

4. The respondent started questioning the very authenticity of title to the property which has been confirmed by this Court. Though the respondent had given a cheque towards an initial deposit the applicants have not encashed the same. Thereafter, the respondent started questioning the purchase by the applicants stating that it was a fraudulent purchase. In fact, when the respondent started making such allegations the applicants have informed him that he could withdraw from the purchase and that they were ready to return the cheque which they had not encashed.

5. The respondent without receiving the cheque and withdrawing from the agreement issued a legal notice in which he has gone to the extent of casting aspersions on the orders passed by this Court in the matter relating to the purchase of the property by the 1st applicant herein from M/s.Dunlop Rubber Company (India) Limited. This Court had upheld the sale in favour of the 1st applicant herein and the stamp duty paid by him for its purchase has been upheld right upto the Honourable Supreme Court. While so, in the notice dated 28.08.2019 which has been filed as document

no.11, the respondent has made the following statement in paragraph nos.13 & 17 which would read as follows:

“13. I state that the aforesaid entire illegal developments made on the conditional assignment lands is against public policy and contravenes the agreement/assignment conditions besides, violations of various provisions of laws.I state that, the Hon'ble single Judges of the High Court and the Secretary to Government, Revenue Department had not dealt with the matter, broadly and laid down the correct law. Further, I state that no such orders affecting the title of any property could be passed in any proceedings either by Hon'hle High Court under Article 226 of the Constitution of India or by the Government. I state that, the aforesaid decisions would set a bad example and may encourage the real estate mafias for grabbing similar valuable conditional assignment lands, within the State, which are acquired for public purpose. Hence, in the public interest, aforesaid entire orders affecting the

illegal transactions/ title of the acquired lands of the Government has to be set aside through the appropriate proceedings before the court of law.

17. I state that, the Hon'ble High Court before passing orders in aforesaid writ petitions W.P.No.25962 of 2004, W.P.No.26671 of 2007, W.P.No.13160 of 2008 and W.P.No.13095 / 2008 should have taken a note in public interest that the subject assignment lands are acquired under Lands Acquisition Act, 1894 by the Government by invoking the emergency clause, as for a public purpose company. The acquisition was not of a few acres of land for a small Industrial enterprise, the assignment was granted for more than 150 acres including acquired lands of about 118 acres and now worth about Rs.2000 Crores. Therefore, in such circumstances, it is hard that the Hon'ble High Court and the Government to given such a seal for the sale made by the 1st of your company in favour of 3rd of you,

assuming the Government as if a real estate agent, acquired lands for company. Therefore, the entire orders of the Hon'ble High Court and the Government affecting the title of the assignment lands and the illegal statutory approval accorded to the subject layouts have to be recalled through the appropriate proceedings.”

6. The respondent in his rejoinder dated 03.01.2020 demanded that the applicants surrender subject lands and cancel all the transactions done till date. The statement made by the respondent in his notice dated 28.08.2019 is per se contumacious.

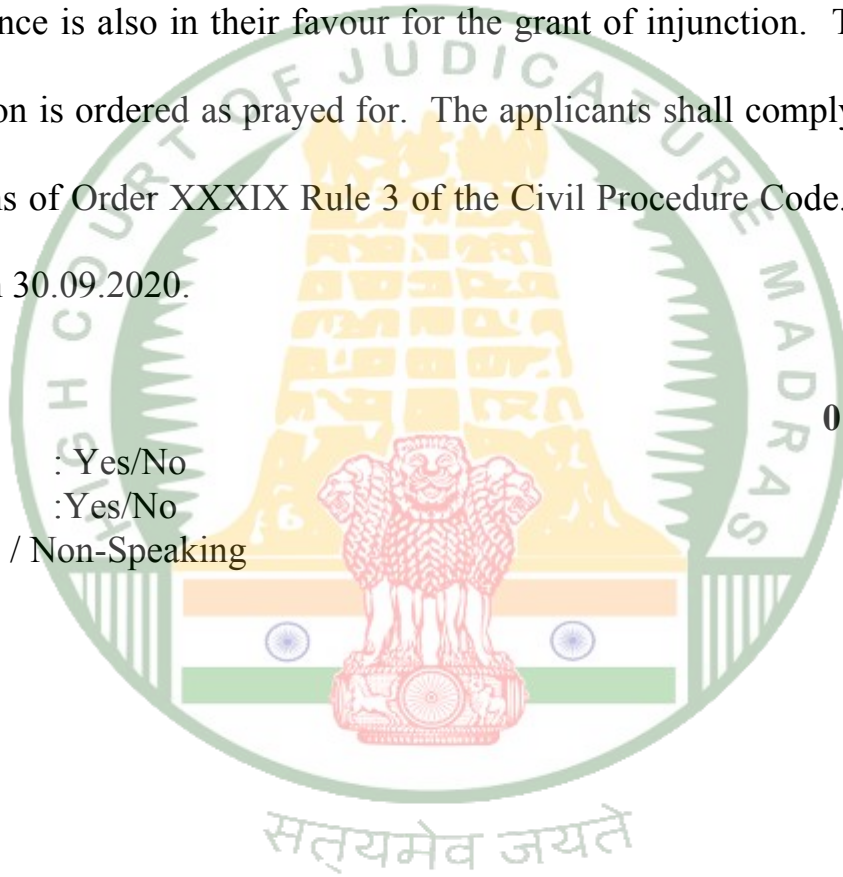
7. The applicants would submit that the respondent is continuing to make these allegations and such allegations being put up in the public platform would definitely cause a great deal of harm to the applicants, both to their reputation as well as their business.

8. Considering the averments contained in the plaint and the

documents filed it appears that the respondent is making allegations not only against the applicants but also against the Court that had passed the orders and that too after all the documents have been given to him. The applicants have therefore made out a prima facie case and balance of convenience is also in their favour for the grant of injunction. The above application is ordered as prayed for. The applicants shall comply with the provisions of Order XXXIX Rule 3 of the Civil Procedure Code. Post the matter on 30.09.2020.

01.09.2020

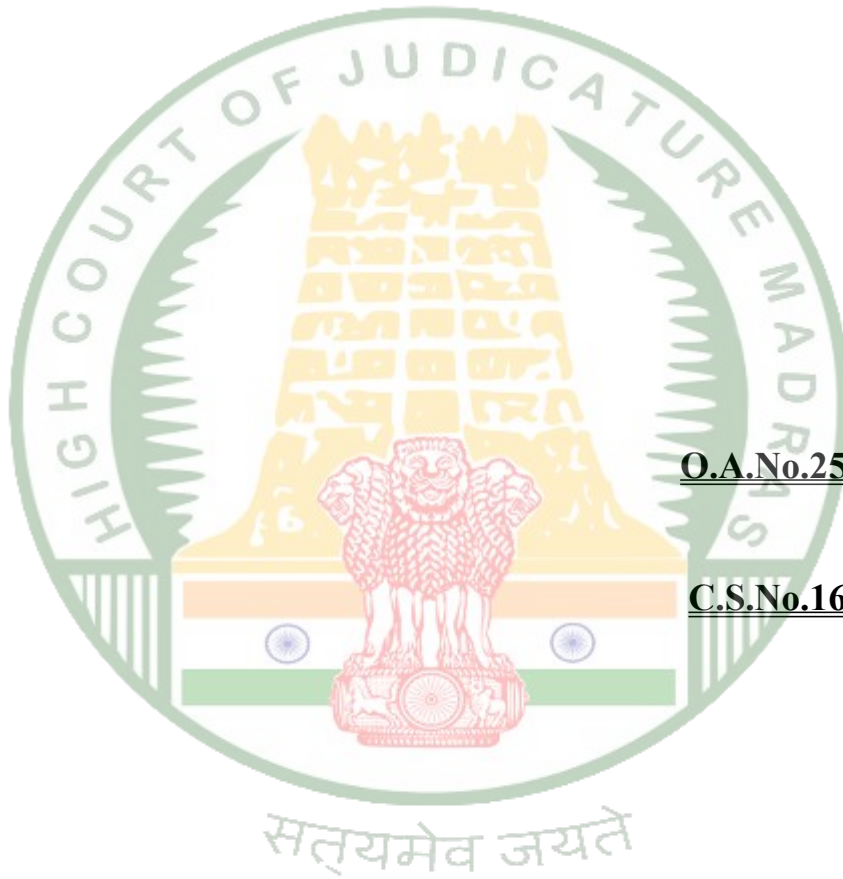
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