



C.R.P.No.2309 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

C.R.P.No.2309 of 2021

1. Mr.G.Murugesan
2. Mr.J.Vijayaraj
3. J.Nagaraj

... Petitioners

Vs.

1. The District Collector
Office of the Collectorate
Kancheepuram District
Kancheepuram – 631 501.
2. The Tashildhar
Formerly Alandur Taluk,
Presently Kundrathur Taluk,
Kundrathur, Chennai – 600 069.
3. The Block Development Officer
Kundrathur Taluk,
Padappai – 601 301.



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4. The Revenue Inspector
Mangadu, Chennai – 600 122.

5. The Village Administrative Officer,
Paraniputhur Village,
Chennai – 600 122.

6. P.R.Devendran

7. S.Kunasekaran

8. J.Duravelu

9. J.Parthibhan

... Respondents

Prayer: This Civil Revision Petition had been filed under Article 227 of the Constitution of India, against the fair order in Unnumbered O.S.No. /2021, S.R.No.154/2021 dated 02.08.2021 passed by the learned District Munsif at Sriperumbudur.

For petitioners : Mr.D.Vijayan

For Respondents : Mr.P.Harish,
Government Advocate,
For R1 to R5.
Mr.R.Bharath Kumar,
For R6 to R9.



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ORDER

This Civil Revision Petition has been filed against the fair order in unnumbered O.S.No. /2021, S.R.No.154 of 2021 dated 02.08.2021 passed by the learned District Munsif at Sriperumbudur.

2. The learned Counsel for the Respondents 6 to 9 submitted that the suit itself is not maintainable. The Respondents 6 to 9 had filed the Writ Petition seeking to remove the encroachment. After the writ petition was allowed, the officials had not acted upon the order of this Court passed in W.P.No.25659 of 2014. Therefore, the Contempt Petition in Cont.P.No.1587 of 2017 has been filed. Only after filing of the contempt, the officials acted upon the order of the Writ Petition.

3. It is the submission of the learned Counsel for the Respondents 6 to 9 that an appeal remedy against the order passed by the Respondents 2 & 3 is available before the District Collector and the said appeal filed by the Petitioners is also pending. The suit, which was filed seeking a declaration of the order passed by the Authorities/Respondents 2 & 3 had to be declared as



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null and void. Therefore, the plaint was rejected by the learned District Munsif, Sriperumpudur in unnumbered O.S.No. /2021, S.R.No.154 of 2021 dated 02.08.2021. Aggrieved by the same, the Petitioners had approached this Court under Article 227 of the Constitution of India, seeking to set aside the order rejecting the plaint at the initial stage. The learned Counsel for the Respondents 6 to 9 objected the maintainability of the Civil Revision Petition.

4. Considering the submission of the learned Counsel for the Respondents 6 to 9, this Civil Revision Petition itself is dismissed. No costs.

30.08.2022

Index : Yes / No
Internet : Yes / No
Speaking Order/Non-Speaking Order
kmm



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To

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SATHI KUMAR SUKUMARA KURUP, J.

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