



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.01.2022

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P. (PD) (MD) No.1991 of 2017

and

C.M.P.(MD) No.10026 of 2017

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1.S.V.Athilakshmiammal
2.Thilagavathi
3.Srinivasan

.. Petitioners

-vs-

1.Vellandi
2.Mariyammal
3.Shanthi
4.Madavi
5.Meena
6.Sasikanth

7.The State of Government of Tamil Nadu,
Rep., by the District Collector,
Dindigul, having its office at
Dindigul Collectorate, Dindigul.

.. Respondents

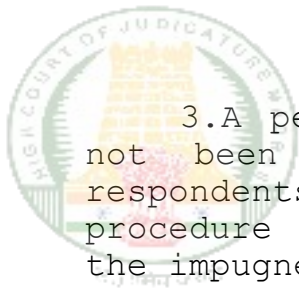
Prayer :- Petition filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 06.01.2017 passed in P.O.P.No.14 of 2014 on the file of the Principal District Judge, Dindigul District, Dindigul.

For Petitioners	:	Mr.M.P.Senthil
For RR1 & 2	:	Mr.R.Thiyagarajan
For RR3 to 6	:	No appearance
For R7	:	Mr.N.GA.Natraj, Government Advocate

ORDER

Defendants 1, 2 and 5 are the revision petitioners before this Court, challenging the order dated 06.01.2017 passed by the learned Principal District Judge, Dindigul in P.O.P.No.14 of 2014 permitting the plaintiffs/respondents 1 and 2 herein to sue as indigent persons.

2.The ground of objection to the above order is that the learned Judge has not followed the procedure contemplated under Order XXXIII by calling for a report from the Government.



3.A perusal of the records would show that such a report has not been called for and the learned counsel appearing for respondents 1 and 2 has also not been able to inform that such a procedure has been undertaken by the learned Judge before passing the impugned order.

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4.Considering the fact that the mandatory requirement has not been followed, without traversing into the merits of the case, this Court is of the considered view that it would suffice if the Civil Revision Petition is allowed and the order dated 06.01.2017 in P.O.P.No.14 of 2014 is set aside and the matter is remitted back to the learned Principal District Judge, Dindigul for fresh consideration.

5.In the result, this Civil Revision Petition is allowed and the order dated 06.01.2017 in P.O.P.No.14 of 2014 is set aside and the matter is remitted back to the learned Principal District Judge, Dindigul for fresh consideration. The learned Judge shall follow the procedure as contemplated under the provisions of Order XXXIII by calling for the report from the Government and hear the objections etc. The learned Judge shall proceed to pass orders in P.O.P.No.14 of 2014 after receiving the report within a period of one month thereon. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

abr

Note:-In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To

The Principal District Judge, Dindigul.

+1 CC to M/s.SPL.GP(SR-2607[F]dated 27/01/2022)

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-2500[F] dated 25/01/2022)

C.R.P. (PD) (MD) No.1991 of 2017

Dated: 25.01.2022