



WEB COPY

C.R.P.No.159 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.R.P.No.159 of 2023

1.Suruttaiyan @ Vediappa Goundar (Died)

2.Peiapappa @ Perumiammal (Died)

3.Prakasam

4.Palanisami

5.Rami

... Petitioners

Vs.

1.District Collector,
Collector Office,
Dharmapuri.

2.The District Revenue Officer,
Dharmapuri,
Dharmapuri District.

3.The Revenue Divisional Officer,
Harur Taluk,
Dharmapuri District.

4.Tahsildar,
Harur Taluk,
Dharmapuri District.

5.The Revenue Inspector,



Harur Taluk,
Dharmapuri District.

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... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in REA No.46 of 2021 in REA No.26 of 2021 in REP No.04 of 2014 in O.S.No.351 of 2000 dated 11.11.2022 on the file of the Principal District Munsif Court, Arur.

For Petitioners : Mr.R.Jayaprakash

For Respondents : Mr.V.Jeevagiridharan
Additional Government Pleader

ORDER

The civil revision petition is filed against the fair and decreetal order passed in REA No.46 of 2021 in REA No.26 of 2021 in REP No.04 of 2014 in O.S.No.351 of 2000 dated 11.11.2022 on the file of the Principal District Munsif Court, Arur.

2. The petitioners are the decree holders and the suit was decreed granting permanent injunction. The REA No.46 of 2021 was filed by the respondents to set aside the exparte order passed in REA.No.26 of 2021. The respondents are the District Collector, District Revenue Officer, Revenue Divisional Officer, Tahsildar and Revenue Inspector. The REA No.46 of 2021 to set aside the exparte order dated 29.09.2021 was passed



against the respondents herein. The respondents have stated that they have deputed to special duty on 29.09.2021 and therefore, they were not in a position to attend the Court on that particular day.

3. The Trial Court adjudicated the issues and formed an opinion that mere contention of the revision petitioners that there is no possibility of succeeding in the petition by the respondent is not a ground to afford an opportunity to the respondents to contest the case. That apart, the petition to set aside the ex parte order was passed within the time limit and thus, the Trial Court provided an opportunity to the parties to contest the case.

4. In view of the facts and circumstances, this Court do not find any infirmity in respect of the findings made by the Trial Court in the order impugned. Accordingly, the fair and decreetal order dated 11.11.2022 passed in REA No.46 of 2021 in REA No.26 of 2021 in REP No.04 of 2014 in O.S.No.351 of 2000 stand confirmed.

5. Consequently, the Civil Revision Petition in C.R.P.No.159 of 2023



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is dismissed. No costs.

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Index : Yes

Neutral Citation : Yes

Speaking order

To

- 1.The Judge,
Principal District Munsif Court,
Arur.
- 2.The District Collector,
Collector Office,
Dharmapuri.
- 3.The District Revenue Officer,
Dharmapuri,
Dharmapuri District.
- 4.The Revenue Divisional Officer,
Harur Taluk,
Dharmapuri District.



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5. The Tahsildar,
Harur Taluk,
Dharmapuri District.

6. The Revenue Inspector,
Harur Taluk, Dharmapuri District.

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S.M.SUBRAMANIAM, J.

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