



C.R.P(PD)No.1099 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2023

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Civil Revision Petition (PD) No.1099 of 2020
and C.M.P.No.5989 of 2020

The Public Information Officer/
The Assistant General Manager,
Power Grid Corporation of India Ltd.,
400/230 KV, Sub Station,
Coimbatore Main Road,
K.Paramathi Post,
Karur District.
Petitioner

...

Vs.

1.Karuppusamy
2.Kandasamy
3.The District Collector,
District Collector Office,
Tiruppur.
Respondents

...

Civil Revision Petition filed under Article 227 of the Constitution of India praying to struck off the plaint suit in O.S.No.20 of 2020 on the file of the District Munsif Court, Dharapuram.

For Petitioner : Mr.Kalyanaraman
for Jayesh B.Dolia

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For Respondents 1 & 2 : No Appearance

For Respondent 3 : Mr.V.Jeeva Giridharan
Additional Government Pleader

ORDER

This Civil Revision Petition has been filed to struck off the plaint suit in O.S.No.20 of 2020 on the file of the District Munsif Court, Dharapuram.

2. Learned counsel for the petitioner as well as the learned Additional Government Pleader appearing for the third respondent is present. Though, notice has been served on the respondents 1 & 2 through Court as well as privately, there was no representation for them either in person or through counsel.

3. Learned counsel for the petitioner would submit that in C.R.P.No.1637 of 2019, this Court had already dealt with a similar issue and passed the order dated 09.12.2022. Therefore, the learned counsel for the petitioner would submit that the said order will squarely applicable to the present case and hence, he requested this Court to pass similar order.



4. Heard the learned counsel on either side and perused the materials available on record.

5. In the present case, the petitioner has filed this petition seeking to struck off the plaint suit in O.S.No.20 of 2020 and this Court had already dealt with the similar issue in C.R.P.No.1637 of 2019 and passed the order on 09.12.2022 and the same is reads as follows:

“3. The first respondent filed a suit for permanent injunction, restraining the petitioner not to erect any tower in the suit schedule property without notice and without hearing her objections.

4. Pending the suit, the first respondent filed an application for interim injunction and the same was also granted in her favour. While pending the suit, the petitioner filed CRP to struck off the plaint in O.S.No.48 of 2019. Pending the CRP, the petitioner also was permitted to erect tower, after issuance of notice and after hearing the objections raised by the first respondent accordingly, the petitioner erected tower in the suit schedule property after issuance of notice and after hearing the objections. Now, the entire project itself completed therefore,nothing survives in the suit.

5. In view of the above submission made by the petitioner, the plaint in O.S.No.48 of 2019 on the file of the



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District Munsif Court, Namakkal is hereby struck off.

6. Accordingly, the civil revision petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.”

6. In view of the ratio laid down by this Court in C.R.P.No.1637 of 2019 dated 09.12.2022, the plaint in O.S.No.20 of 2020 on the file of the District Munsif Court, Dharapuram is hereby struck off.

7. Accordingly, this Civil Revision Petition stands allowed. No costs. Consequently, connected miscellaneous petition is also closed.

30.11.2023

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No



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J.SATHYA NARAYANA PRASAD,J.

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To:

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400/230 KV, Sub Station,
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