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CRP (PD).No.1079 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2023

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THE HONOURABLE MRS. JUSTICE **T.V.THAMILSELVI**

CRP (PD).No.1079 of 2023

and

C.M.P.No.7699 of 2023

C.B.Manokaran

... Petitioner

-Vs-

1. The Commissioner,
Corporation of Greater Chennai,
Rippon Buildings,
Park Town, Chennai-600 003.
2. The District Collector,
Chennai District,
Singaravelan Maligai,
First Lane Beach Road,
Chennai-600 001.
3. The Tahsildhar,
Tiruvotriyur Taluk,
Chennai Corporation Building,
1st Floor, Thiruvottiur High Road,
Tiruvottiur, Chennai-600 019.
(Opposite Government Hospital)

... Respondents

PRAYER : Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the petition and order dated 27.03.2023 passed in I.A.No.4 of 2023 in O.S.No.137 of 2013 on the file of the District Court, Tiruvallur.



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For Petitioner : Mr.B.Hari Krishnan

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ORDER

Challenging the impugned docket order dated 27.03.2023 passed by the learned District Court, Tiruvallur passed in I.A.No.4 of 2023 in OS No.137 of 2023, the Revision Petitioner/plaintiff preferred this Civil Revision Petition.

2. The learned counsel for the Revision petitioner submits that the petitioner filed an application in I.A.No.4 of 2023 in O.S.No.137 of 2023 seeking for the relief of temporary injunction and the application was posted on 19.04.2023 for issuance of notice to the respondents. The learned counsel further submits that the Division Bench of this Court, while disposing the writ petition in WP.No.26125 of 2023, vide order dated 02.03.2023 granted status quo upto 31.03.2023 and also gave liberty to the plaintiff to approach the proper civil forum. So, immediately after disposal of the writ petition, the plaintiff filed a suit before the District Court, Tiruvallur and the same was transferred to the IV Additional District Court, Ponneri yesterday and when the matter was posted before the I Additional District Court, the learned Trial Judge adjourned the interim application to 19.04.2023.



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3. After transfer of the case to the IV Additional District Court, Ponneri, the petitioner also filed an emergent application to advance the hearing. Though the said advance hearing application in I.A.No.6 of 2023 was filed, the learned trial Judge advanced the hearing and posted the matter again on 19.04.2023 without non application of mind. Since there is urgency, the interim application was filed for relief of injunction on the side of the plaintiff and also filed an application to advance the hearing. After allowing the said application, again the case was posted on the same day, which shows that the learned Judge is not inclined to take the case on file. If such an attitude is applied, the litigants who approach the Court would put too much hardships. Therefore, this Court expresses displeasure with regard to the attitude of the learned Trial Judge. However, as per the direction of the Division Bench of this Court, the plaintiff has rightly approached the Civil forum.

4. In view of the above, the trial court is directed to dispose of I.A.No.4 of 2023 on merits on or before 17.04.2023 by giving notice to other side. Till then the status quo is ordered to be maintained.



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5. With the above direction, this Civil Revision Petition is disposed of.

No costs.

31.03.2023

Index : Yes/No

Speaking/Non Speaking order

Neutral Citation Case: Yes/No

Note: Issue Order copy on 31.03.2023

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To

1. The District Court,
Tiruvallur.
2. The Commissioner,
Corporation of Greater Chennai,
Rippon Buildings,
Park Town, Chennai-600 003.
3. The District Collector,
Chennai District,
Singaravelan Maligai,
First Lane Beach Road,
Chennai-600 001.
4. The Tahsildhar,
Tiruvotriyur Taluk,
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T.V.THAMILSELVI, J.

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