



C.R.P. No. 2757 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.08.2023

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.R.P. No. 2757 of 2023

and

C.M.P.No.16997 of 2023

1. J. Elizabeth Amirthakannu
 2. D.V. Marie Joseph Divi
 3. J. Lagadeesh Gnanasamy Annoussamy
- ...Petitioners

.Vs.

- 1.G. Mangayarkarsi
 2. The Director,
Survey and Land Department
Puducherry.
- ...Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India to allow this Civil Revision Petition by fixing stipulated time period to dispose the Injunction petition in I.A.No.131 of 2023 in O.S.No.537 of 2023 on the file of II Additional Principal Munsif Court, Puducherry.

For Petitioner : Mr. D. Ajith Kumar for Mr.R.Santhosh



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ORDER

This petition is filed to allow this Civil Revision Petition by fixing stipulated time period to dispose the Injunction petition in I.A.No.131 of 2023 in O.S.No.537 of 2023 on the file of II Additional Principal Munsif Court, Puducherry.

2. The facts of the case is that the subject property is a ancestral one and there was a error in the Government FMB and the second respondent herein who is a authorized person to demarcate the subject property rectified the defect in the FMB, which was not accepted by the plaintiffs who are the petitioners herein and they sought for further correction to that effect they have also sent a complaint, for which no action was taken till date. When this being the case, the first respondent herein constructed a compound wall in the disputed area. The grievance of the petitioners are that they have approached the concerned police station who have responded that they cannot proceed with the complaint, as the matter is civil in nature and they have also registered a complaint before the



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Director, Land and Survey Department for which no action has been taken till date. Hence, the petitioners have filed I.A.No.131 of 2023 in O.S.No.537 of 2023 on the file of II Additional Principal Munsif Court, Puducherry seeking to pass an order of Exp-Parte, AD Interim Injunction restraining the first respondent/defendant from interfering the petitioner's enjoyment of the suit property and to remove the compound wall laid in the petitioner's properties and the same is pending. Hence this petition.

3. The learned counsel for the petitioner submitted that the respondents only sought time on 20.03.2023 and 22.03.2023 for filing written statements and till date they have not produced the written statements. He further submitted that when the I.A.No.131 of 2023 and the suit in O.S.No.537 of 2023 is pending, the petitioners have filed I.A.No.132 of 2023 for appointment of Advocate Commissioner to survey and measure the suit schedule and the same is also pending. In the mean time, the respondents had build a wall in the suit schedule property with the assistance of police persons. Hence prays to allow this petition.



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4. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

5. On a perusal of the records it is seen that the I.A.No.131 of 2023 in O.S.No.537 of 2023 is filed to pass an order of Ex-Parte, AD Interim Injunction restraining the first respondent/defendant and I.A.No.132 of 2023 is filed for appointment of Advocate Commissioner to survey and measure the suit schedule and both the I.A's are pending. Hence this Court directs the petitioner to adduce all the documents to establish his case in I.A.No.132 of 2023 which was filed for appointment of Advocate Commissioner and this Court directs the learned Judge to pass orders in the said Application as per the manner known to law.

6. In view of the above, the learned II Additional Principal Munsif Court, Puducherry is directed to dispose the Injunction petition in I.A.No.131 of 2023 in O.S.No.537 of 2023 as expeditiously as possible.



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7. With the above directions, this Civil Revision Petition is disposed of. No order as to costs. Consequently the connected miscellaneous petition is closed.

24.08.2023

smn

Index : Yes/No

Internet: Yes/No

To.

1. The II Additional Principal Munsif Court, Puducherry.



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V.BHAVANI SUBBAROYAN,J.
Smn

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