



C.R.P. No.3531 of 2019 &
C.M.P. No.23159 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2023

CORAM: JUSTICE N.SESHASAYEE

C.R.P. No.3531 of 2019 & C.M.P. No.23159 of 2019

1.The District Collector
Collectorate,
Salem

2.The Block Development Officer
Ayothiyapattinam

3.The Tahsildar
Salem East
Salem

... Petitioners

Vs.

Indian Christian Mission Centre
Rep. by its Chairman Rev. Dr.S.Jayaraj Krishnan
S/o.Late Subramaniam
D. No.289/55/1B
Vasanthapuram, Chinnathirupathy
Salem

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the impugned order dated 23.10.2019 in I.A. No.4 of 2019 in O.S. No.427 of 2019 on the file of Principal District Munsif, Salem.



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For Petitioners : Mr.C.Jayaprakash, Govt. Advocate

For Respondent : Mr.Manoharan Sundaram

ORDER

In a suit for bare injunction seeking to restrain the Government and its authorities from putting up any construction blocking a part of the pathway of road, the plaintiff moved the trial court with an application in I.A. No.4 of 2019 for appointing a Commissioner.

2. The trial court appointed an Advocate Commissioner for local inspection and this is now challenged by the Government.

3. Heard the learned Government Advocate for the revision petitioners/defendants.

4. Learned Government Advocate submitted that a written statement has been laid in the suit, wherein it has been contended by the defendants that they are running a primary school, that it is not well guarded and hence efforts are taken by the Government to put up a compound wall to protect the school children. But this is resisted by the plaintiff, which is a minority institution and would



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submit that they have a property adjacent to the school property and they have access to their property only through the school.

5. Prima facie, the contention of the plaintiff looks amusing that they have access to their property only through the primary school. Having stated thus, this court does not want to interfere with the procedural order of the trial court. In particular, the trial court needs to ensure, if there is an alternative access available to the defendant.

6. Accordingly, this civil revision petition is dismissed. No costs. Consequently, the connected civil miscellaneous petition is closed.

10.04.2023

Asr

To
The Principal District Munsif, Salem



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N.SESHASAYEE, J.,

Asr

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