



CRP. No. 4202 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 09.11.2023**

**CORAM:**

**THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI**

**CRP No. 4202 of 2023**

1.G.Pulithevan  
2.G.Appamani

...Petitioners

Vs.

1.M.Santhosh  
2.The Assistant Engineer (WRD).  
Public Works Department,  
Dharmapuri.  
3. The Executive Engineer (WRD),  
Public Works Department,  
Dharmapuri.  
4.Government of Tamil Nadu,  
By District Collector,  
Dharmapuri.

....Respondents

**PRAYER :** This petition filed under Article 227 of the Constitution of India, to set aside the return endorsement dated 04.10.2023 and subsequent returns in O.S S.R No. 3979 of 2023 on the file of District Munsif Court, Dharmapuri and consequently direct the District Munsif Court, Dharmapuri



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to number the suit and proceed in accordance with law.

For Petitioner : Mr.N.C.Ashok Kumar

For Respondent: Not appeared

### **ORDER**

This petition has been filed to set aside the return endorsement dated 04.10.2023 and subsequent returns in O.S S.R No. 3979 of 2023 on the file of District Munsif Court, Dharmapuri and consequently direct the District Munsif Court, Dharmapuri to number the suit.

2. Heard the learned counsel appearing for the petitioner.

3. The petitioner herein filed suit before the District Munsif Court, Dharmapuri, praying for injunction and also not to make any culvert by including his property and other consequential relief but the said plaint was returned by the Trial Court for want of certain defects and the same was rectified and represented, again the same was returned as previous returns were not complied with. Aggrieved over the same, the petitioner filed this petition. On seeing the fact it reveals that in respect of putting up culvert in SF No. 94. already there was dispute arose and the third defendant admitted to put up construction by including the petitioner property in S.F No. 293/1,



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hence the petitioner filed writ petition before this Court praying for direction to the authority concerned not to take forcible possession of the property in survey No. 293/1 Annasagaram Village, Dharmapuri District, without following due process of law either by laying road by constructing a bridge over the water channel or in any other manner whatsoever, the said writ petition was contested by respondents 2 to 4 and filed counter stating that culvert is constructed only in the irrigation channel in S.F No. 94 and not in S.F No. 293/1 and the distance between S.F No. 293/ and S.F No. 94 is about 4.8 mtrs and the Court recording the submissions of the respondents and closed the writ petition. But after said proceedings the third respondent admitted to connect the culvert in survey No. 94 and the petitioner's property in S.F No. 293/1 and hence the cause of action arose to file suit. Thereafter, the petitioner filed suit but in spite of taking the suit on file the trial Court returned the plaint on various occasions as such is not permissible in law and it would create hardship to the petitioner. Hence, the Trial Court is directed to take the suit on file within a period of six weeks from the date of receipt of a copy of this order. Further, the registry is directed to return the original plaint to the petitioner.



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**T.V.THAMILSELVI,J.**

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4. In result, this Civil Revision Petition is disposed of. No cost.

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To

1. The District Munsif Court, Dharmapuri.

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