



S.A.(MD)No.188 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.04.2023**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

S.A.(MD)No.188 of 2023

and

C.M.P.(MD)No.4088 of 2023

1.Pitchaimuthu

2.Vasudevan

... Appellants

/Vs./

The Executive Officer,
Selection Grade Panchayat,
Kallidaikurichi,
Tirunelveli District.

... Respondent

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code to set aside the judgment and decree passed in A.S.No.44 of 2017, on the file of the Sub Court, Ambasamudram, dated 29.11.2022 by confirming the judgment and decree passed in O.S.No.59 of 2011 on the file of the District Munsif Court, Ambasamudram, dated 27.07.2017.

For Appellants : No appearance



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JUDGMENT

This matter is listed under the caption 'For Dismissal' today. There is no representation on the side of the appellants once again.

2. This matter is listed before me for the third time. On 30.03.2023, after having observed by this Court based on a prima facie consideration that this Second Appeal cannot be admitted in view of Section 14 of the Tamil Nadu Land Encroachment Act, 1905, which provides for a specific bar of jurisdiction of civil Courts with regard to any proceedings initiated under the Tamil Nadu Land Encroachment Act, 1905, this matter was adjourned to 05.04.2023.

3. When the matter was listed on 05.04.2023, the learned counsel appearing for the appellants sought further time to produce the authorities. On his request, this matter was adjourned to 10.04.2023, ie., today, but however, this Court directed the Registry to list the matter under the caption 'For Dismissal'.



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4. As directed by this Court, this matter is listed under the caption 'For Dismissal' today. However, there is no representation on the side of the appellants. It can now be inferred that the appellants are not interested in prosecuting the Second Appeal. Accordingly, this Second Appeal is dismissed for non-prosecution. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

10.04.2023

Index : Yes / No
NCC : Yes / No
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TO:

- 1.The Sub Court, Ambasamudram.
- 2.The District Munsif Court, Ambasamudram.
- 3.The Section Officer,
VR Section, Madurai Bench of Madras High Court,
Madurai.



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ABDUL QUDDHOSE, J.

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Judgment made in
S.A.(MD)No.188 of 2023

Dated:
10.04.2023