



WEB COPY



Crp No.274 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 21.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CRP No.274 of 2024

A.Banukumaran

... Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowments
No.119, Uthamar Gandhi Salai, Nungambakkam,
Chennai 600 034.
2. The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Padi, Chennai 600 050.
3. Thiruvannamalai Kundrakudi Adheenam
Ponnambala Desiga Paramacharaya Swamigal,
Rep. by its Adheenakartha Sri La Ponnambala Desiga
Paramacharaya Swamigal, having office at Hotel Karpagam,
No.19, South Mada Street, Mylapore,
Chennai 600 004.

4. S.T.Arputharaj

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India to pass an order for the speedy disposal of the I.A.No.3/2023 in O.S.No.502/2023 pending on the file of the learned Additional District Judge, Chengalpet.



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For Petitioner : Mr. L.Dhamodharan

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ORDER

This Civil Revision Petition has been filed to direct the learned Additional District Judge, Chengalpet to dispose of the I.A.No.3/2023 in O.S.No.502/2023, within a stipulated time frame as fixed by this Court.

2. The petitioner herein is the plaintiff and the respondents herein are the defendants in the above said suit, which was filed for permanent injunction restraining the defendants from interfering with his possession and enjoyment of the suit schedule property. Further, the petitioner has also filed I.A.No.3/2023 seeking interim injunction, since he is facing threat in the hands of the respondents. According to the petitioner, the above petition was not disposed of by the learned Trial Judge, whereas, periodically adjourned without any progress. Hence the civil revision petition.

3. On perusal of records, it reveals that the above petition was filed on 17.08.2023 and subsequently, it was taken on file and notice was ordered and posted on 12.09.2023. Thereafter, for counter of R3 and for issuing fresh notice to R1, R2 and R3, the case was adjourned to 27.11.2023. In such circumstances, the petitioner prayed to speedy disposal of the above petition, within a time frame, as fixed by this court.



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4. At this juncture, it is worthwhile to note that the ***Hon'ble Supreme Court in W.P.No.587/2023, dated 10.11.2023, in Shaikh Uzma Feroz Hussain Vs. The State of Maharashtra*** has dismissed the writ petition, by observing as follows.

“ We are of the view that since every High Court and every Court in the country has a huge pendency, the Constitutional Court should avoid temptation of fixing a time-bound schedule for disposal of any case, before any court, unless the situation is extra ordinary.”

5. Further, pursuant to the direction of this Court, the Registry, on verification through e-filing, has reported that the total pendency of the cases in the above Court is 1255.

6. Considering the pendency of the cases and also taking note of the fact that the petition is pending for filing counter of R3 and issue fresh notice to other respondents from 06.11.2023, this court is inclined to allow the petition.

7. Accordingly, the learned Additional District Judge, Chengalpet is directed to dispose of the I.A.No.3/2023, in O.S.No.502/2023 within three



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months from the date of receipt of a copy of this order and thereafter, dispose the main suit, as early as possible.

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

No costs.

21.02.2024

Index: Yes/No
Internet: Yes/No
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To

The Additional District Judge, Chengalpet.



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V.SIVAGNANAM, J.

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