



WEB COPY



CRP.No.1581 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRP.No.1581 of 2024
and
CMP.No.8580 of 2024

J.James Bosco

...

Petitioner

Vs.

1. Mr.K.M.Sunny,

2. Mr.K.M.Mohan,

3. The Sub-Registrar,
Kundrathur Sub Registration Office,
Kundrathur,
Chennai 600069.

4. The Commissioner,
Poonamallee Municipality,
Poonamallee High Road,
Poonamallee, Chennai 600056.

5. The Tahsildar,
Poonamallee Taluk Office,
Poonamallee High Road,
Poonamallee, Chennai 600056.

...

Respondent/ complainant

Prayer:

Petition filed under Article 227 of the Constitution of India ,
seeking to grant an order for speedy disposal of I.A.No.6 of 2023 in



CRP.No.1581 of 2024

O.S.No.275 of 2023 pending on the file of the II Additional District & Sessions Court, Tiruvallur Poonamallee, within a time frame to be set out by this Court.

For Petitioner : Ms.R.Maheshwari
For Respondents : Mr.P.C.Naveen Kumar for RR1 & 2
: M/s.Akilarajendran,
Government Advocate for RR3 to 5
: No appearance for R4

ORDER

The petitioner/plaintiff in O.S.No.275 of 2023 had filed I.A.No.6/2023 to issue a temporary injunction restraining the Commissioner, Poonamallee Municipality, from erecting construction on the suit schedule property.

2. The contention of the petitioner is that though the interlocutory application has been filed on 21.09.2023 thereafter it has been kept pending; in this case, respondents No. 1 and 2 are set ex parte; for filing of counter and enquiry the case has been periodically adjourned for respondents No.3 to 5; hence, a suitable direction has to be given.

3. The learned counsel for respondents No. 3 to 5 submitted that in this case, it is a suit for permanent injunction, and in this case, a written statement has been filed on 10.04.2024 and on 21.06.2024 an adoption



memo has been filed in I.A.No.6/2024. The respondents No.3 to 5 are cooperating, and they are not the reason for any delay, and they are ready for the enquiry.

4. Heard the learned counsel for the petitioner and the contesting respondents 3–5 and perused the materials available on record.

5. On perusal of the records, it is seen that this case has been periodically adjourned for filing of counter and enquiry on behalf of respondents 3 to 5. Though it has been adjourned from time to time, now the learned counsel for the respondents 3 to 5 has submitted that the respondents 3 to 5 are ready to participate in the enquiry as and when required, and the written statement and adoption memo have been filed as early as on 10.04.2024 and 21.06.2024 in I.A.No.6/2024. 6. The petitioner has also filed a reply to the written statement on 02.07.2024, indicating readiness to proceed with the enquiry.

6. Considering the submissions made by both parties and the materials on record, it is deemed appropriate to schedule the enquiry at the earliest convenience of all parties involved. This Civil Revision



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Petition is disposed of, and the learned II Additional District & Sessions Court, Tiruvallur Poonamallee is directed to pass appropriate orders in accordance with law within a period of one month from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is also closed. No costs.

08.07.2024

jrs

Internet: Yes/ No

Speaking Order/Non-Speaking Order

Neutral: Yes/No

To

1. The II Additional District & Sessions Court,
Tiruvallur Poonamallee.
2. The Sub-Registrar,
Kundrathur Sub Registration Office,
Kundrathur,
Chennai 600069.
3. The Commissioner,
Poonamallee Municipality,
Poonamallee High Road,
Poonamallee, Chennai 600056.
4. The Tahsildar,
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