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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2024

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

C.R.P.(MD)No.2669 of 2024

and

C.M.P.(MD)No.15276 of 2024

- 1.The District Collector
Madurai District,
1st Floor, District Collector's Office Building,
Madurai -20
2. The District Revenue Officer
Madurai District,
1st Floor, District Collector's Office Building,
Madurai -20.
3. The Tahsildar,
Madurai North Taluk,
1st Floor, District Collector's Office Building
Madurai -20.
4. The District Registrar,
Madurai District,
TNAU Nagar, Rajakampeeram,
Y.Othakadai, Madurai – 107.
5. The Sub Registrar,
Alanganallur, Madurai District.

... Petitioners



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Vs.

C.Jeyaraman

... Respondent

PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the Fair and Decretal order passed by the Learned II Additional Sub Judge, Madurai, in I.A.No.78 of 2024 in O.S.No.1141 of 2017, dated 19.03.2004 by allowing this Civil Revision Petition.

For Petitioners : Mr.V.Om Prakash,
Government Advocate

For Respondent : Mr. A.B.Prabhakar

ORDER

This Civil Revision Petition is filed by the defendants in the suit to set aside the Fair and Decretal order dated 19.03.2004 passed by the Learned II Additional Sub Court, Madurai, in I.A.No.78 of 2024 in O.S.No.1141 of 2017.



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2. The Defendants are the Revision Petitioners and the Plaintiff is the Respondent herein. For sake of convenience the parties shall be referred to as Plaintiff and Defendants as per the ranking in the suit.

3. The plaintiff has filed a suit in O.S.No.1141 of 2017 for declaration to declare the classification of land as assessed waste wet (Anadheenam) as invalid and void and will not bind the plaintiff and consequently mandatory injunction modify the same in the records and enter the name of the plaintiff and other reliefs.

4. The defendants had filed the written statement, then issues were framed. The suit was taken for Trial, wherein the plaintiff had completed the examination of witness. Thereafter the case was posted for defendants side evidence, in such stage of the case the defendants had filed the present I.A.No.78 of 2024 praying to produce documents. The defendants have not produce those documents at the time of filing the written statement, hence the Trial Court had



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dismissed the said interlocutory application. Aggrieved over the present Civil Revision Petition is filed.

5. The contention of the defendants is that the classification of the land is that “assessed wet – Anadheenam” and to prove the same is necessary to produce ‘A’ register, FMB sketch, Adangal extract based on the Land Revenue Registrar. The aforesaid documents are necessary to prove the case of the defendants. Since the defendants have failed to produce the same at the time of filing the written statement, the defendants had subsequently filed a petition seeking permission to produce all these documents.

6. This Court is of the considered opinion even though the stage of the case states that the plaintiff evidence are complete and it is pending for examination of the defendants side evidence, it is necessary to prove the case of the defendants through the aforesaid documents. The Trial Court had erred in disallowing the said I.A. Therefore, the order passed by the Trial Court in



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I.A. No.78 of 2024 in O.S.No.1141 of 2017 is liable to be set aside and accordingly set aside.

7. Accordingly, this Civil Revision Petition is allowed and the order passed by the Learned II Additional Sub Court, Madurai, in I.A.No.78 of 2024 in O.S.No.1141 of 2017, dated 19.03.2004, is hereby set aside. The Trial Court is directed to accept the documents and marked the same in the suit and thereafter, proceed with the suit. Since the suit is of the year 2017, the Trial Court is further directed to complete the suit as early as possible, as per Law. No Costs. Consequently, connected miscellaneous petition is closed.

28.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes

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Alanganallur, Madurai District.
6. The Section Officer,
Vernacular Records Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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