



C.R..P.(PD)(MD).No.190 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(PD)(MD)No.190 of 2025

and

C.M.P(MD) Nos.1219 and 1220 of 2025

M.Suryaraj

... Petitioner/
1st Defendant

Vs.

1. M.Murugesan

... 1st Respondent/Plaintiff

2. The District Collector,
Madurai Collector Office,
Madurai.

3. The Corporation Commissioner,
Corporation Commissioner Office,
Madurai.

4. The Assistant Commissioner,
Corporation Commissioner Office,
Madurai.

5. The Town Planning Officer,
Corporation Commissioner Office,
Madurai.

... Respondents 2 to 5/
Defendants



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PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to strike off the plaint in O.S.No.311 of 2024 on the file of the learned III Additional District Munsif Court, Madurai.

For Petitioner : Mr.C.Selvakumar
For R1 : Mr.A.Shajahan
For R2 : Mr.S.P.Maharajan
Special Government Pleader

ORDER

The first defendant in O.S.No.311 of 2024 on the file of the learned III Additional District Munsif Court, Madurai, has filed the present Civil Revision Petition seeking to strike off the plaint.

2. A perusal of the plaint reveals that the suit has been filed by the first respondent/plaintiff herein for the relief of permanent injunction restraining the defendants 1 to 5 from evicting him without following the due process of law, and not to disturb his possession.



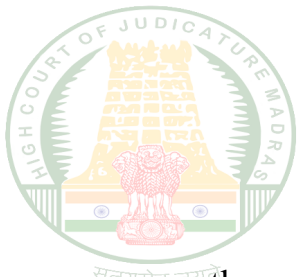
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3. According to the learned counsel appearing for the revision petitioner/ 1st defendant, there are no allegations as against the first defendant and in the cause of action paragraph nothing is stated as against the first defendant. Therefore, he has prayed for rejection of the plaint, in total.

4. The learned counsel appearing for the first respondent/plaintiff submitted that he had filed W.P(MD) No.12847 of 2024, seeking a Mandamus as against the District Collector, Madurai, the Corporation Officials and Tahsildar, Madurai North, to re-survey the property and to remove the encroachments in Town Survey No.133 road and provide the basic amenities like drinking water and underground sewage facility through the Town Survey No.133 road based upon the representation dated 23.05.2024. When this writ petition was pending, the present revision petitioner/first defendant has filed an application seeking to implead himself in the said writ petition and the impleading petition has been allowed.

5. According to the learned counsel appearing for the 1st respondent/plaintiff, the said writ petition is still pending. In such circumstances, while filing a suit as against the official respondents by way of abundant caution,



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the name of the revision petitioner was impleaded as the first defendant in the suit.

6. The learned counsel appearing for the first respondent/plaintiff, on instructions submits that, in case, if the first defendant does not want himself to be arrayed as a party to the suit, his name can be deleted.

7. In view of the above said submissions made by the learned counsel appearing for the revision petitioner as well as the first respondent/plaintiff, this Court invoking its power under Order 1 Rule 10 (2) of C.P.C, deletes the name of the revision petitioner/first defendant from the array of parties in O.S.No.311 of 2024. In view of the deletion of the name of the revision petitioner from the array of parties, the request of the revision petitioner for rejection of plaint is not maintainable. The trial Court is directed to proceed in accordance with law as against the other defendants.



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8. With the above said observation, this Civil Revision Petition stands disposed of. There shall be no order as to costs. Consequently connected Miscellaneous Petitions stand closed.

26.03.2025

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

1. The III Additional District Munsif Court,
Madurai.
2. The District Collector,
Madurai Collector Office, Madurai.
3. The Corporation Commissioner,
Corporation Commissioner Office,
Madurai.
4. The Assistant Commissioner,
Corporation Commissioner Office,
Madurai.
5. The Town Planning Officer,
Corporation Commissioner Office,
Madurai.
6. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.

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