



C.R.P.(MD)No. 2419 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.08.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.[PD](MD)No.2419 of 2022

and

C.M.P.(MD)No.11708 of 2022

The President,
Melakallangulam Village Panchayat,
Melakallankulam
Kariapatti Taluk,
Virudhunagar District.

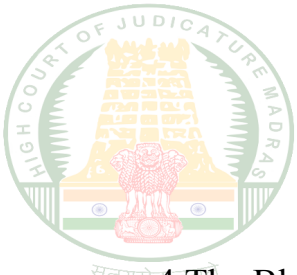
...Petitioner

Vs.

1.Elappan

2.The State of Tamil Nadu,
Rep. by the District Collector,
Virudhunagar District.

3.The Revenue Tahsildar,
Office of the Revenue Tahsildar,
Kariapatti, Kariapatti Taluk,
Virudhunagar District.



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4.The Block Development Officer,
Officer of the Block Development Officer,
Kariapatti, Kariapatti Taluk,
Virudhunagar District.

5.The Scheme Director & Superintendent,
Office of the District Rural Development Camp,
Virudhunagar District Collectorate complex,
Virudhunagar District.

6.Sethupathy

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to call for the records of the Affidavit and Petition in I.A.No.3 of 2022 in O.S.No.89 of 2020, on the file of the Learned Principal District Munsif Court, Aruppukkottai and struck off the same.

For Petitioner : Mr.M.Kannan

For Respondent No.1 : Mr.M.Thangapandian

For Respondents 2 to 5 : Mr.B.Saravanan

Additional Government Pleader



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ORDER

This petition has been filed seeking to strike off the proceedings in I.A.No.3 of 2022 in O.S.No.89 of 2020, on the file of the Learned Principal District Munsif Court, Aruppukkottai.

2.Learned Counsel for the petitioner would submit that the petitioner is a Village President. The Village Panchayat decided to lay road in S.No.46/1F in Melakallangulam Village, Kariyapatti Taluk, Virudhunagar District. As against the formation of road, one Kadambavanam filed a Writ Petition before this Court in W.P.(MD)No.10658 of 2020 and this Court by order dated 10.09.2020, dismissed the said Writ Petition. Thereafter, contrary to the decision rendered by this Court, the said Kadambavanam set up 5 persons namely Elappan, Periyakaruppan, Sanjeevi, Mahalingam and Krishnan to file a suit as against the Government, including the President of the Panchayat, not to interfere with the plaintiffs properties except under due process of law, in which they filed I.A.No.2 of 2020, for interim injunction and the interim injunction was granted as against the petitioner. Aggrieved by the same, the petitioner filed an appeal before the Sub Court, Aruppukkottai in C.M.A.No.8 of 2020 and the same was allowed on 07.03.2022 and thereafter, the very same interim prayer was sought



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by the first respondent / plaintiff through the impugned I.A.No.3 of 2022.

Challenging the same, the present Civil Revision Petition has been filed.

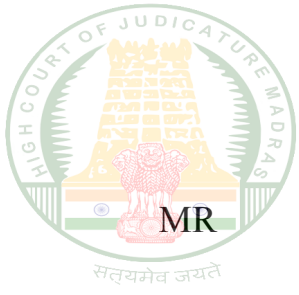
3.Learned Counsel for the first respondent would submit that during the pendency of the Civil Revision Petition, the Government laid the road and hence, this Court may grant liberty to the first respondent to file a fresh suit in the manner known to law, by withdrawing the earlier suit pending before the learned Principal District Munsif Court, Aruppukottai.

4.In view of the above, this Civil Revision Petition stands allowed, granting liberty to the first respondent / plaintiff to file appropriate Order 23 Rule 1 of CPC application before the Court below. If such application is filed, the trial Court is directed to decide the same in accordance with law. If the suit is not withdrawn, then the trial Court is directed to dispose of the suit within a period of six [6] months from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

11.08.2025

Internet:Yes/No

Index:Yes/No



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To

- 1.The Principal District Munsif Court,
Aruppukkottai.
- 2.The District Collector,
Virudhunagar District.
- 3.The Revenue Tahsildar,
Office of the Revenue Tahsildar,
Kariapatti, Kariapatti Taluk,
Virudhunagar District.
- 4.The Block Development Officer,
Officer of the Block Development Officer,
Kariapatti, Kariapatti Taluk,
Virudhunagar District.
- 5.The Scheme Director & Superintendent,
Office of the district Rural Development Camp,
Virudhunagar District Collectorate complex,
Virudhunagar District.
- 6.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

MR

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