



WEB COPY

CRP No. 5779 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-02-2026

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THE HON'BLE MR.JUSTICE P.B. BALAJI

CRP No. 5779 of 2025

and

CMP.No.28721 of 2025

Ezhumalai

..Petitioner(s)

Vs

The Commissioner,
Bahour Commune Panchayat, Bahour, Puducherry

..Respondent(s)

Prayer: This civil revision petition is filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 12.08.2024 passed in M.A.No.4 of 2019 on the file of Principal District Judge, Puducherry, by allowing the revision petition.

For Petitioner(s): Mr.T.S.Baskaran

For Respondent(s): Mr.V.Vasanthakumar, AGP (Puducherry)

ORDER

Heard Mr.T.S.Baskaran, learned counsel for the revision petitioner and Mr.V.Vasanth Kumar, learned counsel for the respondent.

2. The petitioner challenges the order in M.A.No.4 of 2019, dated 12.08.2024, passed by the learned Principal District Judge, Puducherry treating



the petitioner as an encroacher and directing removal of encroachment.

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3. It is the case of petitioner that petitioner is facing a civil suit in O.S.No.1220 of 2011 on the file of the II Additional District Munsif Court, Puducherry where the petitioner as defendant has contended that the plaintiff alone has encroached and it is not the petitioner who has encroached. Further, a counter claim has also been filed. Admittedly, the said suit is pending and it is in the stage of trial.

4. The respondent herein namely the Commissioner, Bahour Commune Panchayat, Puducherry is not a party to the suit proceedings. Independently, the respondent has initiated proceedings treating the petitioner as an encroacher. This is in respect of the very same property that the suit is pending. In the light of the above, it would be just and proper that the respondent awaits any final decision in the suit pending in O.S.No.1220 of 2011.

5. Mr.Vasanthakumar, learned counsel for the respondent would however state that as the respondent is not a party to the said suit, they must also be given an audience, so that they can put forth their contention independently, especially, in the light of the allegation that the respondent is supporting the plaintiff in the said suit.



6. In the light of the above, I am inclined to allow the revision petition and set aside the order passed in M.A.No.4 of 2019 passed by the learned Principal District Judge, Puducherry and accordingly the impugned order dated 12.08.2024 in M.A.No.4 of 2019 is set aside and this civil revision petition is allowed.

7. The respondent is permitted to seek impleadment in O.S.No.1220 of 2011, on the file of the II Additional District Munsif Court, Puducherry and on such application being filed, after hearing the counsel for the plaintiff and recording the objections, if any, the said application shall be disposed of expeditiously within a period of four weeks from the date of the application being filed. Thereafter, the suit shall be disposed of and if necessary after permitting the newly impleaded party to file a written statement and give evidence in a time bound manner. The suit shall be disposed of by the end of November, 2026 and subject to the decision of the suit, it shall be open to the respondent to initiate action against the encroachers. Consequently connected miscellaneous petition stands closed. No costs.

23-02-2026

Note: Issue order copy by 25.02.2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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P.B.BALAJI, J.

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To

1. The Commissioner
Bahour Commune Panchayat, Bahour, Puducherry
2. The Principal District Judge, Puducherry
3. The II Additional District Munsif Court, Puducherry

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