



CRP(MD). No.156 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 22.01.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

C.R.P(MD). No.156 of 2026

R.T.Sivakumar

... Petitioner

Vs

1.Aasaripallam Perumal Nagar,
Residents Welfare Association,
Aasaripallam Regan No.76/2009,
Represented by its Secretary,
Office Door No.1-14-7-13, Sanalkarai Road,
Perumal Nagar, Aasaripallam, Needankarai A Village,
Agastheeswaram Taluk, Kanyakumari District.

2.Government of Tamilnadu,
Represented by the District Collector,
Kanyakumari District, Nagercoil,
Nagercoil Village, Agastheeswaram Taluk,
Kanyakumari District.

3.The Commissioner,
Nagercoil Municipality,
Nagercoil, Agastheeswaram Taluk,
Kanyakumari District.

... Respondents



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PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India to strike off the Judgment and decree, dated 26.09.2022 in O.S.No.636 of 2010 on the file of the learned 1st Additional District Court, Nagercoil and allow this Civil Revision Petition.

For Petitioner : Mr. Sc.Herold Singh

For R2 and R3 : Mr.P.Thambidurai

ORDER

This Civil Revision Petition has been filed to strike off the judgment and decree dated 26.09.2022 passed in O.S.No.636 of 2010 on the file of the learned I Additional District Court, Nagercoil.

2. The revision petitioner is the first defendant in the original suit. He remained absent during the pendency of the suit and consequently, an order came to be passed directing defendants 2, 3 and 7 to close the revision petitioner's industry.

3. The learned counsel appearing for the revision petitioner contended that the revision petitioner is the absolute owner of the



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property bearing Plot Nos.55, 56 and 61 comprised in Re-Survey Nos. 495/3 and 495/6 of Needankarai 'A' Village, wherein he is running a registered micro industry. A suit was instituted by the first respondent alleging that the petitioner's industry was causing air pollution and noise pollution. As the revision petitioner remained absent, the trial Court proceeded ex-parte and passed the impugned judgment directing closure of the petitioner's industry.

4. According to the learned counsel, the allegation of air and noise pollution is wholly baseless and unsupported by any scientific or technical evidence. It was further contended that disputes relating to environmental pollution fall within the exclusive jurisdiction of the National Green Tribunal under the provisions of the Environment (Protection) Act, 1986 and therefore, the civil Court lacked jurisdiction to adjudicate upon such issues. In support of the said contention, reliance was placed on the judgment of the Hon'ble Supreme Court reported in **2019 (3) LW 547 [M/s. Amman Oil Mill & Refineries v. M. Saradhambal and others]**.



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5. It is seen that the trial Court has relied primarily upon the report of the Advocate Commissioner, wherein it was observed that dust particles were found on the windows of a house situated behind the premises of the revision petitioner. The said report, by itself, does not conclusively establish either air pollution or noise pollution, nor does it satisfy the requirement of proof through expert or scientific evidence.

6. That apart, the relief sought in the present Civil Revision Petition is one of striking off the judgment and decree passed in a suit instituted in the year 2010. It is well settled that the power to strike off pleadings or proceedings is an extraordinary jurisdiction and the same cannot be exercised as a matter of routine, especially when disputed questions of fact are involved.

7. The issues raised by the revision petitioner, including the nature of the industry, compliance with statutory requirements, the alleged pollution and the jurisdiction of the civil Court, are all triable issues, which require appreciation of evidence. Such factual disputes cannot be



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gone into in a summary manner in a revision petition seeking to strike off the suit or the decree.

8. Further, the impugned judgment and decree were passed in the year 2022 in a suit of the year 2010. At this distant point of time, permitting the striking off of the judgment and decree would unsettle settled proceedings and defeat the very object of finality in litigation.

9. For all the above reasons, this Court does not find any justification to exercise its revisional jurisdiction to strike off the judgment and decree passed by the trial Court.

10. Hence, this Civil Revision Petition is dismissed for want of merits. Consequently, the connected Miscellaneous Petition is closed. No costs.

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

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To

1. Government of Tamilnadu,
Represented by the District Collector,
Kanyakumari District, Nagercoil,
Nagercoil Village, Agastheeswaram Taluk,
Kanyakumari District.
2. The Commissioner,
Nagercoil Municipality,
Nagercoil, Agastheeswaram Taluk,
Kanyakumari District.
3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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N.SENTHILKUMAR, J.

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