

IN THE VIII ASSISTANT CITY CIVIL COURT AT CHENNAI

Present :Tmt.A.Premavathy, B.A., B.L.,

VIII Assistant Judge

Thursday, the 26th day of March 2026

I.A. No. 5/2025 & I.A. No. 6/2025 in

I.A.No.3/2025 & 4/2025 in

O.S. No. 1058/2025

(CNR.No.TNCH01- 051816-2024)

M.V.Ramani

S/o.Late Meenakshisundaram

Old No.42, New No.56

Mahadevan street

West Mambalam

Chennai – 600 033.

...Petitioner/Petitioner/Plaintiff

Vs.

1. Tamil Nadu Pollution Control Boards

No.76, Mount Salai, Guindy

Chennai 600 032.

2. The Chief Electrical Inspector

Tamil Nadu Electricity Departments

Thiru Vi Ka Industrial Estate

Guindy, Chennai 600 032.

3. The Member Secretary,

Chennai Metropolitan Development Authority

Egmore, Chennai 600 008.

4. The Commissioner

Greater Chennai Corporation

Ripon Buildings

Chennai -3

5. The Inspector of Police (Law & Order)

R3, Ashok Nagar Police Station

Chennai 600 083

6. M/s.ENVI India Constructions

Rep by R.Vyas
S/o.Ramesh
A/21, DABC Abinayam, Phase 3
Nolambur, Chennai – 95

7. S,Mahesh
S/o.K.Subramanian
No.1A, Bagyasri Apartments
No.45, Moorthy street Extn
West Mambalam, Chennai 33

... Respondents/Defendants/
Respondents

These Petitions came up for final hearing on 03.03.2026 in the presence of M/s.T.S.Rajamohan, counsel for the Petitioner and M/s.C.Umashankar, B.P.Vinoth, counsels for the Respondents 6 & 7/defendants 6& 7 and upon hearing the both side arguments and upon perusing the records and having stood over for consideration till this day, this court delivers the following:

COMMON ORDER

These petitions have filed Order VII Rule 14(3) CPC to receive on file the above proceedings dated 26.05.2025 so as to be marked on the side of the petitioner/plaintiff and Order XVIII Rule 17 of CPC, to receive on file the above proceedings dated 26.05.2025 so as to be marked on the side of the petitioner/plaintiff.

1. Brief averments of the petitions are as follows :

The petitioner states that in the above I.A.Nos 3 of 2025 in O.S.No.1058 of 2025, arguments were made on the side of the petitioner/plaintiff. Now the 1st respondent/1st defendant by proceedings dated 26.05.2025, has reported that the

noise level by usage of the genset comes in the subject matter of the suit, in the computation of decibel is very high. The said report very crucial to the issue involved in the above case. The petitioner states that the above proceedings was received on 30.08.2025. Therefore the same could not be filed at the time of arguments in the above I.A.Nos. 3 of 2025. The above proceedings is based on the District Environment Laboratory based on ANLS Monitoring Report. The report which is incorporated in the above proceedings dated 26.05.2025 clearly specifies when the Diesel Genset which is the subject matter of above suit was operated the sound decibel was 60.9. Therefore by relying upon G.O.Ms.No.17 dated 22.01.2025, the above diesel generator when operated, the sound level is higher than the permissible level. The above proceedings dated 26.05.2025 is forwarded to the Inspector of Police R-3 Police Station. The said proceedings is relied upon by me and I seek to mark the same. Hence this petition.

2. Brief averments of the counter filed by the respondents 6 & 7 :

The respondent states that the 6th defendant Mr.Vyas who is an Architect by profession and his Architect firm has helped us professionally design our building in the suit schedule property. The 6th respondent is neither a proper and necessary party to the suit. Meanwhile the petitioner herein who is well known “Petition Writer” in West Mambalam area and has filed cases against various residents in the said locality for illegal gains. The Petitioner herein is residing in another street namely “Mahadevan Street” & had filed the present suit with ulterior motive for wrongful gain. I humbly submit that the petitioner herein is residing in Mahadevan

street which is far away from my residence. Moreover the petitioner herein is residing in a tenanted Apartment at Alonkar Priyadarshini Apartments, Rear wing, Flat S1 in the 2nd floor of Mahadevan street, West Mambalam, Chennai-33. The said address given in the present suit by the petitioner is incomplete one just to avoid services. Further the petitioner is residing in the second floor portion of the said apartments which is more than 1 KM away from the residence of this respondent. The respondent submit that the petitioner is filing petition after petition with the sole aim of harass this respondent/defendant and to further perpetuate the litigation. Thus the petitioner herein wants to file two documents of report analysis dated 21.05.2025 and proceedings of the 1st defendant dated 26.05.2025 which was much available with the petitioner at the time of arguments in I.A.No.3 & 4. Hence, the 4 said documents cannot be marked at this stage by filing the present I.A.No.6 of 2025. Therefore the petitions are liable to be dismissed.

3. In this case the respondents 1,3 and 4 were already set exparte in the main suit, the 2nd and 5th respondents endorsed no counter. The 6th and 7th respondents are the contesting respondents in the above IAs.

4. Points for determination:-

- i) Whether the petitions to receive the document in IA 3/2025 and reopen the petitioner side arguments is to be allowed or not?
- ii) To what other relief?

5. Points Nos. (i) & (ii) :-

(i) It is the contention of the Learned petitioner Counsel that the petitioner has filed the above suit for permanent injunction against the respondents 6 and 7 and for a Mandatory injunction against the respondents 1 to 4. The petitioner has also filed IA No. 3/2025 and 4/2025 for an Interim injunction in the above suit. The 1st respondent by his proceedings dated 26.05.2025 has reported that the noise level by usage of the Genset comes in the subject matter of the suit and the computation of decibel is very high. The above said report is very important to decide the above case. The proceedings was received by the petitioner on 30.08.2025 and therefore could not be filed at the time of the petitioner side arguments in IA 3/2025 and 4/2025. Therefore the petitioner side arguments has to be reopened and the proceedings dated 26.05.2025 is to be received and marked in the above IA 3/2025 and 4/2025. Hence these petitions have to be allowed.

(ii) It is the contention of the Learned respondents 6 and 7 counsel that the 6th respondent is not a necessary party in the above suit. The petitioner is a well known petition writer and has filed case against various residents in the said locality for illegal gains. The petitioner is residing in another street namely Mahadevan street which is far way in the respondents 6 and 7 resident. The petitioner is a tenant residing at Alonkar Priyadarshini Apartments. The said apartment is for away more than one kilometer from the residence of the respondents 6 and 7. The above petition is filed to harass the respondents and drag on the litigation. The proceedings dated 26.05.2025 was already filed by the respondent in the above IA Nos. 3/2025 and

4/2025 which is already on record. Hence these petitions are to be dismissed.

6. Heard. Both sides. Records perused.

i) The above petitions are filed to reopen the petitioner side arguments and to receive the document dated 26.05.2025 which is to be marked in IA Nos. 3/2025 and 4/2025. The petitioner is the plaintiff in the above suit, the suit is filed for Permanent and Mandatory Injunction. The reason for reopen the petitioner side arguments is that the petitioner has received the proceedings dated 26.05.2025 passed by the 1st respondent only on 30.08.2025 which is very essential document to decide the injunction application in IA Nos. 3/2025 and 4/2025 and the said proceedings dated 26.05.2025 has to be received and marked in the Injunction petitions. On the other hand the respondents have strongly objected in allowing the above petitions on the ground that the petitions are filed in order to harass the respondents 6 & 7 and to delay the suit proceedings and also the above said proceedings dated 26.05.2025 was already marked on the respondent side in the injunction petitions. Since the petitioner has given valid reason for reopen of the petitioner side arguments and to receive the documents dated 26.05.2025 which is essential for deciding the injunction petition. Though the proceedings dated 26.05.2025 has been marked on the respondent side and opportunity must be given to the petitioner to putforth his claim in the injunction petition, therefore in the interest of justice this court is inclined to allow the above petitions. It is open to the respondents 6 & 7 to raise any objections at the time of marking the above documents. Hence these petitions are allowed.

In the result these petitions are allowed. No costs.

Directly dictated to the steno-typist, typed by her, corrected and pronounced by me in open court on this the 26th day of March, 2026.

**VIII Assistant Judge
City Civil Court, Chennai.**

Petitioner's side Witnesses & Exhibits : Nil

Respondent's side Witnesses & Exhibits : Nil

**VIII Assistant Judge
City Civil Court, Chennai.**

Draft/Fair

Common Order

IA No. 5/2025 & 6/2025 in

IA Nos. 3/25 & 4/25 in

O.S. NO. 1058/2025

Dated: 26.03.2026

VIII Asst. Court