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CRP Nos.3652 and 3656 of 20__

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2026

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THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP No.3652 and 3656 of 2025 and CMP No.19641 of 2025

V.M.Kaliyaperumal

... Petitioner in both the revisions

Vs.

1. The Tahsildar,
Mannargudi Taluk Office,
Mannargudi, Tiruvarur District.

2. The District Collector,
Tiruvarur District, Vilalamal,
O/o The District Collector,
Tiruvarur and District

.... Respondents in both the revisions

Prayer: Civil Revision Petitions filed under Section 115 of Civil Procedure Code against the order and decree made in I.A.Nos.1 and 2 of 2024 in O.S.No.102 of 2012 on the file of Subordinate Court, Mannargudi District dated 21.07.2025.

For Petitioner : Mr.K.A.Ravindran

For Respondents : Mr.A.Anandan
Govt.Advocate



CRP Nos.3652 and 3656 of 20__

COMMON ORDER

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The revision petitioner is the plaintiff in O.S.No.102 of 2012 on the file of Subordinate Court, Mannargudi. The suit was filed for the relief of permanent injunction to restrain the respondents herein, as defendants, from interfering with the plaintiff's peaceful possession and enjoyment of the property, except by due process of law. The said suit came to be decreed exparte by the trial court. However, an application came to be filed by the respondents, to set aside the exparte decree, together with an application to condone the delay of 3940 days. The said applications have been allowed by the trial Court, directing cost of Rs.5,000/- to be paid to the revision petitioner. Challenging the said orders, the present revisions have been filed.

2. Learned counsel for the revision petitioner would invite my attention to the judgment and decree passed by the trial Court, where the respondents were very much represented by a counsel and only for non-filing of written statement they were set exparte and therefore, it was not open to the respondents to claim that they had no knowledge of the exparte decree. He would further state that the delay has not been satisfactorily explained and despite the said fact, the trial court, on erroneous consideration, has proceeded to condone the delay. Therefore, he would pray

2/6



for the revision being allowed.

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3. Per contra, learned Government Advocate brings to my notice that the petitioner himself has filed a suit in O.S.No.114 of 2025, which is pending before District Munsif Court, Mannargudi and he would further state that the respondents were constrained to take out an application to condone the delay as well as to set aside the exparte decree only because the suit property is Sarkar Poramboke Road over which the plaintiff cannot claim any right whatsoever. He would therefore state that it is only in the interest of protecting Government property, the trial court has allowed the applications and the order does not call for any interference.

4. I have carefully considered the submissions made by the learned counsel on either side and perused the materials available on record.

5. It is not in dispute that in the suit filed by the petitioner in O.S.No.102 of 2012, the relief sought for the petitioner was only for a permanent injunction to restrain the defendants, respondents herein not to interfere with the petitioner's peaceful possession and enjoyment of the property, except by due process of law. In the said suit, the respondents have

3/6



admittedly entered appearance and have not chosen to file any written statement. The trial Court has proceeded to pass exparte judgment in the presence of the learned counsel for the respondents and thereafter, no steps have been taken by the respondents to have the exparte decree set aside.

6. On the contrary, after a lapse of 11 years, applications have been filed to set aside the exparte decree, along with an application to condone the delay of 3940 days. The trial court, without seeing whether sufficient cause has been made out or satisfactory reasons have been assigned, has gone into the merits of the contentions of the respondents that the lands are Sarkar Poramboke Roads and has thought it necessary to afford an opportunity to the respondents to contest the suit on merits.

7. The decree granted is admittedly one which restrains the respondents from interfering with the petitioner's peaceful possession and enjoyment, except by due process of law. The said decree will not come in the way of the respondents taking action in accordance with law. According to the respondents, the lands are Sarkar Poramboke Road portion. In any event, today, there is a suit pending in O.S.No.114 of 2025 on the file of District Munsif Court, Mannargudi and the respondents have been arrayed as

4/6



CRP Nos.3652 and 3656 of 20__

defendants . The contentious issues can be very well decided in O.S.No.114 of 2025.

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8. In the light of the above, it would suffice to allow these revision petitions, setting aside the order condoning the delay of 3940 days since the issues can be gone into O.S.No.114 of 2025 and it is needless to state that subject to the outcome of O.S.No.114 of 2025, the respondents are always at liberty to take action against the revision petitioner. The exparte decree will not come in the way of the respondents.

9. With the above observations, both the civil revision petitions are allowed. No costs. Consequently, connected miscellaneous petition is closed.

21.01.2026

Neutral Citation: Yes/No
Speaking Order/Non-speaking Order
Index : Yes / No
sr

P.B.BALAJI.,J

5/6



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To

1. The Subordinate Court, Mananrgudi
2. The District Munsif Court, Mannargudi

CRP Nos.3652 and 3656 of 20_

sr



CRP Nos.3652 and 3656 of 2025

21.01.2026