



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-07-2026

CORAM

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

**CRP No. 3836 of 2026
and CMP. No.16727 of 2026**

E.Senthil Kumar

..Petitioner(s)

Vs

1. The State of Tamil Nadu,
Represented by the
Secretary to Government,
Adi-Dravidar Welfare Department,
Fort St. George, Chennai 600 009.
- 2.The District Collector,
Tiruvannamalai, Tiruvannamalai District.
- 3.The Special Tahsildhar,
Adi-Dravidar Welfare,
Polur, Tiruvannamalai District.
- 4.K.R.Lakshminarasimhan
- 5.C.Bala Subramanian
- 6.The Assistant Director,
Office of the Town and Country Planning
Department, District Collector Campus,
Vengikal Village, Tiruvannamalai - 606 604.

..Respondent(s)

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 01.07.2026 made in O.S. SR. No.2269 of 2026 on the file of the Principal District and Sessions Judge, Tiruvannamalai.



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For Petitioner(s):
For Respondents:

Mr.R.Thiagarajan
Mrs.Yogalakshmi,
Additional Government Pleader
for R1 to R3

ORDER

Heard Mr.R.Thiagarajan, learned counsel for the petitioner and Mrs.Yogalakshmi, learned Additional Government Pleader for the respondents 1 to 3.

2. The petitioner as plaintiff filed a suit in O.S.SR. No. 2269 of 2026 before the learned Principal District and Sessions Judge, Tiruvannamalai for the following reliefs:-

"a) Permit the Plaintiff to institute the intending suit in a representative capacity on his behalf as well as on behalf of 117 members of TN Ambani Nagar Lay out Venmani Village, Polur Taluk morefully described in the schedule in respect of the property comprised in S.No. 256/1, Venmani Village, Polur Taluk, Tiruvannamalai District as per the list appended to the Schedule-B.

b) For a Declaration that the plaintiff is the absolute owner of the schedule "A" mentioned property and for a consequential injunction restraining the defendants 1- 4 or anyone claiming through them in any manner interfering with the plaintiff's peaceful possession and enjoyment of the suit schedule property

c) For a declaration that the Plaintiff is the bonafide purchase for value and consequently restraining the Defendants 1 to 3 their men, agents, servants or anyone authorized by them from in any manner implementing the notification of acquisition revived as against the Plaintiff and consequent 117 plot owners of TN Ambani Nagar Layout, Venmani Village, Polur



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Taluk, Tiruvannamalai District.

d) For a declaration that the purported judgment rendered in W.A.No.2206 of 2023 dated 17.12.2025 by the Hon'ble High Court, madras as confirmed by the Hon'ble Supreme Court of India in SLP.(c) No.2503 of 2026 which is the subject matter of Review in D.No.15214 of 2026 on the file of Hon'ble Supreme Court of India, New Delhi is illegal, invalid, non-est in the eyes of law and consequently not binding upon the Plaintiff or his property so also a the 117 plot owners of the TN Ambani Nagar, Layout, Venmani Village, Polur Taluk, Tiruvannamalai District.

e) For a permanent injunction restraining the defendants their men, agents or servants or any other person or persons either directly or indirectly from interfering with the plaintiff and the members of TN Ambani nagar Layout's peaceful possession and enjoyment of the suit schedule "A" and "B" property more fully described in the plaint schedule

f) For a permanent injunction restraining the defendants 1 to 3 and 6 are anyone claiming through them or authorized by them or alienating by them from in any manner interfering with the plaintiff's peaceful possession and enjoyment of the suit property plaintiff and the members of TN Ambani Nagar layout, Venmani Village, Polur Taluk morefully described in the schedule hereunder.

g) For a declaration that the notice dated 21.5.2026 issued by the 6th defendant in respect of the T.N. Ambani Nagar, Venmani Village, morefully described in the plaint schedule is illegal, invalid, and nonest in the eyes of law and consequently not binding upon the plaintiff or the members of TN.Ambani Nagar, Venmani village who acquired the same from the 4th defendant acting thro' 5th Defendant who had promoted a layout scheme through the plaintiff known as TN AMBANI NAGAR LAYOUT, Venmani Village.

h) For the relief of For a Permanent Injunction restraining the defendants, their men, agents, servants or anyone claiming through them from and in any manner notifying A the suit schedule "A" and "B" proper pursuant to the notice dated



21.5.2026 issued by the 6th defendant except in accordance with law.

i) other reliefs:

j) costs of the suit;"

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3. The suit, at the maintainability stage has been rejected by the learned Principal District and Sessions Judge, Tiurvannamalai, on the only ground that the issue in the *lis* has already been decided by this Court in collateral proceedings. The specific case of the revision petitioner as plaintiff, is that he was not a party in the earlier proceedings and that the petitioner along with others have already got an approved layout of the very same property which is the subject matter of the suit. Further, it is also his case that, the various proceedings that culminated upto the Hon'ble Supreme Court will not bind the petitioner and the other plot owners who are innocent purchasers having acquired right, title and interest pursuant to the layout approval by the Directorate of Town and Country Planning.

4. Section 9 of the Code of Civil Procedure, reads as follows:

"9. Courts to try all civil suits unless barred .-

The Courts shall (subject to the provisions herein contained) have jurisdiction to try all suits of a civil nature excepting suits of which their cognizance is either expressly or impliedly barred.

Explanation [I].-A suit in which the right to property or to an office is contested is a suit of a civil nature, notwithstanding that such right may depend entirely on the decision of questions as to religious rites or ceremonies.



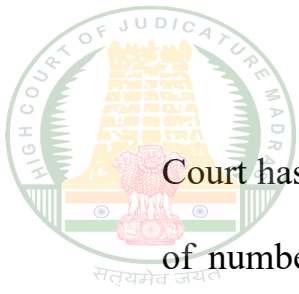
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[Explanation II .-For the purposes of this section, it is immaterial whether or not any fees are attached to the office referred to in Explanation I or whether or not such office is attached to a particular place.] [Inserted by the Code of Civil Procedure (Amendment) Act, 1976, Section 5 (w.e.f. 1.2.1977).] "

5. The Hon'ble Supreme Court and this Court, have time and again held that it is not improper for a Court of lesser jurisdiction to set aside an order of a Higher Court provided, it is made out by the plaintiff that the decree is either non est, invalid or brought about by fraud or collusion. In fact, the Hon'ble Supreme Court *A.V. Papayya Sastry & Ors vs Government Of A.P. & Others*, reported in 2007 4 SCC 221, held that a judgment and decree or order which has been obtained by playing fraud is a nullity and non est in the eye of law and that such a judgment and decree or order can be challenged in any Court, at any time, in appeal, revision, writ or even in collateral proceedings as such judgment and decree or order has to be treated as nullity by every Court, superior or inferior. All these matters require evidence to be adduced and merely on the ground that the High Court has already decided the matter, the plaint cannot be rejected at the stage of numbering.

6. The learned counsel for the petitioner Mr.R.Thiagarajan, also relies on the decision of this Court in the case, *K.Selvaraj Vs. Koodankulam Nuclear Power Plant India Limited and Ors*, reported in 2021 (4) CTC 539, where this



Court has issued detail guidelines as to how a suit should be treated at the stage of numbering, especially with regard to the maintainability on the ground of jurisdiction. The relevant portion is as follows:

Maintainability
(cause of action)
Sec. 9 & Order
VII Rule 1(e)

Yes. Only to the extent of ascertaining if the plaintiff has legally recognized or enforceable right on a plain reading of the plaint, and no more.

* Sufficiency or adequacy of pleading cannot be gone into. Hence grounds of fraud as in Order VI Rule 4 CPC cannot be insisted.

* Proof of any of the allegations in the plaint should not be sought.

* Merits of the matter or correctness of the pleadings cannot be gone into.

7. In the light of the above, the Trial Court have clearly fell in error in rejecting the plaint as not maintainable. In fact, Mr.R.Thiagarajan, learned counsel also pointed out that he had made oral submissions with regard to maintainability of the suit and none of his arguments have also been considered by the learned Principal District and Sessions Judge.

8. In the light of the above, the order dated 01.07.2026 made in OS. SR. No.2269 of 2026, rejecting the plaint at the SR stage is set aside and the matter is remitted to the Principal District and Sessions Judge, Thiruvannamalai. The suit shall be numbered, if it is otherwise in order, not putting the ground of suit



not being maintainable in view of the earlier order passed by this Court, against the petitioner/plaintiff and the suit shall be disposed of on its own merit. It is

needless to state this order or the suit shall not come in the way petitioner/plaintiff challenging or contesting the show cause notice issued to the petitioner in Na.Ka.No.585/2026/Thiruvannamalai, dated 21.05.2026 or alternatively, challenge the same in a manner known to law before this Court or other appropriate forum, as may be advised. The Registry shall return the original plaint and the order to the learned counsel for the petitioner within a period of one week from today to enable the petitioner to have the plaint re-presented within a period of two weeks thereafter, for which the learned counsel has also filed a memo to such effect.

9. With the above directions, this Civil Revision Petition is allowed.

Consequently, connected Miscellaneous Petition is closed. No costs.

06-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

RKP

To

The Principal District and Sessions Judge,
Tiruvannamalai.

Issue today.



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P.B.BALAJI.J.,
rkp

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