



C.R.P.(MD)No.398 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:08.04.2026

CORAM

THE HONOURABLE **MR.JUSTICE V.LAKSHMINARAYANAN**

C.R.P.(MD)No.398 of 2026

and

C.M.P.(MD)No.1817 of 2026

1.A.Leelavathi

2.P.Easwari

3.T.Jeyasudha

4.T.Vishagan

5.T.Vignesh

6.T.Twinprabu

... Petitioners

vs.

1.The Commissioner,
Allinagaram Municipality,
Periyakulam Road,
Theni Taluk,
Theni District.

2.S.Kadavul

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and executable order dated 19.12.2025 passed in the application in I.A.No.3 of 2025 in O.S.No.28 of 2025 on the file of the District Munsif Court, Theni and allow the same.

For Petitioners : Ms.T.Shiva Shree

For Mr.J.Barathan

For R-1 : Mr.G.Kaleeswaran

Standing Counsel

For R-2 : Mr.R.Shankar Ganesh



C.R.P.(MD)No.398 of 2026

ORDER

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Heard Ms.T.Shiva Shree for Mr.J.Barathan for petitioner, Mr.G.Kaleeswaran, for 1st respondent and Mr.R.Shankar Ganesh for 2nd respondent.

2. This revision challenges the dismissal of an application filed to amend the plaint.

3. O.S.No.28 of 2025 has been presented for the following reliefs:

அ. 4,5,6 வாதிகள் பெயரில் ஏற்பட்டுள்ள வரிவிதிப்பு எண்கள்.

125/033/901663, 125/033/901667, 125/033/901668 மற்றும்

125/033/901669 – ன் படி வழக்குரைச் சொத்திற்கு சம்பந்தமான

வரிவிதிப்பு எண்களை 2ம் பிரதிவாதிக்கு ஆதரவாக 1ம் பிரதிவாதி ரத்து

செய்யக்கூடாது என நிரந்தர நிலையுறுத்துக் கட்டளை பரிகாரம் வழங்கியும்,

ஆ. தாவா சொத்தில் 4,5,6 வாதிகள் பெயரில் ஏற்பட்டுள்ள வரிவிதிப்புகளை

2ம் பிரதிவாதி மாற்ற முயற்சி செய்வதனை சமூகம் நீதிமன்றம் தடுத்து

நிறுத்திட நிரந்தர நிலையுறுத்துக் கட்டளை பரிகாரம் வழங்கியும்,

இ. இவ்வழக்கின் செலவு தொகையை வாதிகளுக்கு 1,2 பிரதிவாதிகள்

செலுத்தி வைக்க உத்தரவிட்டும்,

ஈ. இன்னும் இவ்வழக்கின் தன்மைக்கும், குழ்நிலைக்கும் ஏற்ப இதர

பரிகாரங்கள் வழங்கியும், தீர்ப்பும், தீர்ப்பானையும் பிறப்பிக்க வேண்டி

தாழ்மையுடன் பிரார்த்தித்துக் கொள்ளப்படுகிறது.



C.R.P.(MD)No.398 of 2026

4. The case of the plaintiffs is that the 1st defendant, Allinagaram Municipality had mutated the taxation records from the name of the plaintiffs to the name of the 2nd defendant without prior notice. Hence, an application in I.A.No.3 of 2025 was filed to amend the plaint to incorporate the relief of mandatory injunction and to declare that the property assessment cancellation from the plaintiff's name and the consequent mutation in the name of the 2nd defendant are not binding on the plaintiffs. This application came to be dismissed by the Trial Court. Hence, the present revision.

5. Going through the papers, this Court was able to perceive that the grievance of the petitioners is that an attempt had been made by the 2nd respondent herein, to mutate the revenue records in his favor, on the dismissal of the suit in O.S.No.41 of 2014 on the file of District Munsif Court at Theni. An appeal is said to be pending in A.S.No.1 of 2025 before the Subordinate Court at Theni.

6. Considering the scope of the plea that the mutation of taxation records had been taken place without prior notice, I had called upon the learned Counsel appearing for the 1st respondent to state whether the plaintiffs had been put on notice prior to such mutation. The Counsel took time to get instructions. When the matter was called today, the learned Counsel reported that prior to the mutation, the 2nd defendant alone was heard and not the plaintiffs.



C.R.P.(MD)No.398 of 2026

7. The issue before the Court is whether mutation has taken place without notice or not. In case, mutation had taken place without prior notice, obviously, it is in violation of principles of natural justice and it cannot be sustained.

8. Under Order XV, Rule 3 of the Code of Civil Procedure, where there is no dispute on an issue of law or on fact, the Court is entitled to pronounce judgment in the suit, without pushing the parties for trial. What is available to the Learned District Munsif at Theni under Order XV is certainly available to this Court, while dealing with a revision. Hence, with the consent of parties, O.S.No.28 of 2025 is decreed in the following terms:

(i) The mutation of taxation records from the name of the plaintiffs to the name of the 2nd defendant, pursuant to the notice dated 03.04.2025, is declared as null and void.

(ii) There shall be a mandatory injunction directing the 1st defendant to issue fresh notice to both the plaintiffs and the 2nd defendant, on the basis of the request made by the 2nd defendant for cancellation of the property taxation assessment from the name of the plaintiffs to his name.

(iii) The statement of the learned counsel for the 1st defendant that notice will be issued on **27.04.2026** is recorded.



C.R.P.(MD)No.398 of 2026

(iv) The 1st defendant, after receiving the objection from the plaintiffs and the 2nd respondent, shall pass appropriate orders on the request made by the 2nd defendant for mutation of taxation records by **31.05.2026**.

(v) The learned District Munsif is requested to record the decree granted by this Court and close the suit.

9. As the suit itself has been decreed in the aforesaid terms, this Civil Revision Petition stands **closed**. There shall be no order as to costs. Consequently, the connected miscellaneous petition stands closed.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
Nsr

08.04.2026

To:

The District Munsif Court, Theni.



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C.R.P.(MD)No.398 of 2026

V.LAKSHMINARAYANAN, J.

Nsr

Order made in
C.R.P(MD)No.398 of 2026

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