

C.R.P(MD)No.1708 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2026

CORAM

THE HON'BLE MR. JUSTICE S.SOUNTHAR

C.R.P.(MD)No.1708 of 2026

and

C.M.P(MD)No.8231 of 2026

1.M.Selvaraj

2.M.Leela Bai

.. Petitioners

Vs.

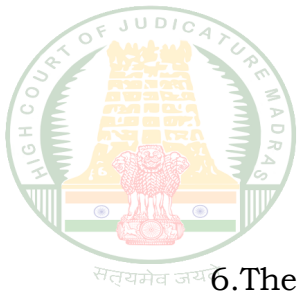
1.M.Rajam

2.R.Suriyaprabha

3.The Revenue Divisional Officer,
Padmanabhapuram
Thucklay & Post
Thucklay Village,
Kalkulam Taluk,
Kanniyakumari District.

4.The Inspector of Police,
Kalkulam Taluk,
Thucklay & Post
Thucklay Village,
Kalkulam Taluk,
Kanniyakumari District.

5.The Firka Surveyor,
Thucklay & Post
Thucklay Village,
Kalkulam Taluk,
Kanniyakumari District.



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6.The Sub Registrar,
Eraniel,
Having office at Eraniel
Neyyoor Post,
Eraniel Village,
Kalkulam Taluk,
Kanniyakumari District.

.. Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to call for the records and set aside the order and decretal order dated 21.08.2025 passed in I.A.No.4 of 2025 in O.S.No.82 of 2024 on the file of the District Munsif Court, Eraniel.

For Petitioner : Mr.J.John Jayakumar

* * * * *

ORDER

The Civil Revision Petition is filed challenging the order passed by the trial Court dismissing the application filed by the petitioners/defendants 1 and 2, seeking rejection of the plaint.

2. The respondents 1 and 2/plaintiffs filed the suit seeking a declaration that the partition deed entered into between the defendants 1 and 2, dated 31.12.2020, is null and void, and for a consequential permanent injunction restraining the defendants 1 and 2 from interfering with the plaintiffs' peaceful possession and enjoyment of the suit property.



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3. The petitioners, who are arrayed as defendants 1 and 2, filed the instant application seeking rejection of the plaint on the ground that the plaintiffs had instituted the suit without issuing the statutory notice contemplated under Section 80 of the Code of Civil Procedure and, therefore, the suit was not maintainable as against the defendants 3 to 6, who are public officials.

4. The objection regarding non-compliance of Section 80 of the Code of Civil Procedure can be raised only by the public officials who are arrayed as the defendants in the suit. Such an objection cannot be raised by the private defendants. Moreover, a perusal of the plaint would indicate that the plaintiffs have sought the reliefs of declaration and permanent injunction only against the private defendants, namely the defendants 1 and 2. No relief has been sought against the official defendants.

5. In such circumstances, the objection raised by the private defendants is wholly untenable in law. The trial Court has rightly appreciated the legal position and dismissed the application seeking rejection of the plaint. I do not find any legal infirmity or jurisdictional error in the impugned order warranting interference.



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6. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

06.07.2026

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
skn

To

- 1.The District Munsif Court, Eraniel.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SOUNTHAR, J.

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