

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:06.04.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

CRP (PD) No.1279 of 2017

and

C.M.P.No.5995 of 2017

1. Y.Janeshwarraj
Rep. by his mother and power agent
Mrs.Y.Vasanthi

2. Mrs.Y.Vasanthi

Vs.

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petitioners

1. Mr.S.Yuvaraj
2. Y.Vigneshwarraj
3. Mrs.Veerammal
4. Sub Registrar,
Office of the Sub Registrar of Cheyyur,
Cheyyur, Kancheepuram District.
5. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai-600028.

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respondents

Prayer : Revision Petition is filed under Article 227 of the Constitution of India, against the impugned order of return dated 02nd January 2017 passed by the learned District Munsiff of Madanthagam returning the said OS SR No.5819 of 2016 and thereby refusing to number the plaint.

For Petitioner : Mr.K.R.Vijayakumar

ORDER

This Civil Revision Petition has been filed against the order dated 02.02.2017, passed by the learned District Munsif of Madanthagam, returning the plaint in OS SR No.5819 of 2016 and thereby refusing to number the plaint.

2. The petitioners filed plaint in OS SR.No.5819 of 2016 seeking for a relief of declaration and injunction against the respondents 1 to 3. The learned Judge, on 06.10.2016 has returned the Plaint raising various queries and the petitioners, explaining the said queries represented the same on 24.10.2016. Again on 01.11.2016, the learned District Munsif, Madurantakam has returned the plaint on 06.10.2016, asking to clarify as to how the suit is maintainable as against the respondents 4 and 5, when there no relief is sought for against them and when they have discharged their official duty.

3. The petitioners represented the plaint on 22.11.2016, stating that it has been stated in paragraph 11 of the plaint that since the Act of registering the two impugned deeds of Revocation by the

fourth defendant is questioned as illegal, the fourth respondent is made as a party and the fifth respondent, who is the head of the Registration department is also made as a party defendant under Order XXVII Rule 5A of Civil Procedure code and there are number of suits entertained by the Court against the registering authority.

4. On 22.01.2017, again the learned Judge rejected the plaint with following endorsement:-

"The Plaint is returned for the following queries:

As per Section 86 of the Registration Act the Registering officer is not liable for things bonafidly done or refused in his Official Capacity. Hence How the suit is filed against Defendant 4 and 5 in this Plaint without any relief against Defendant 4 and 5 to be explained."

5. Against the said order, dated 22.01.2017, the present Civil Revision Petition has been filed.

6. I have heard the learned counsel appearing for the petitioner.

7. It is seen from the records that the learned District Munsiff, Madurantakam has rejected the plaint stating that how the suit against the respondents 4 and 5 is maintainable without seeking for any relief as against them, while they were discharging their official duty.

Therefore, it is open to the petitioners to represent the plaint and state why they filed the suit against the respondents 4 and 5, without claiming any relief against them.

8.In the result, this Civil Revision Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

06.04.2017

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Note: Registry is directed to return the original order copy of the learned District Munsif, Maduranthakam to the learned counsel for the petitioner.

To

1. The Sub Registrar,
Office of the Sub Registrar of Cheyyur,
Cheyyur, Kancheepuram District.
2. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai-600028.
3. The District Munsif, Madurantakam.

V.M.VELUMANI, J

arr

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