

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 04TH DAY OF OCTOBER 2019

THE HON'BLE MR. JUSTICE K.KALYANASUNDARAM

A.Nos.6560, 5821 and 5822 of 2019

in

C.S.No.196 of 2014

1.Mrs.Kasturi,
Wife of Parasuraman,

2.Mrs.Kalaivani,
Wife of Karunakaran

1 & 2 are daughters of Late K.T.M.Ramanujam

3.Mr.Nagarajan
Son of Late K.T.M.Ramanujam

4.Mr.Narayana Babu,
3 & 4 are sons' of K.T.M.Ramanujam

All the plaintiffs are commonly residing at
No.14/17-A, Somanathapuram 1st Street,
Kolathur, Chennai-600 099. ..Plaintiffs

-Versus-

1.The District Collector,
Chennai District,
Singaravelar Maligai,
Chennai-600 001.

2.The Tashildar,
(Perambur Purasawalkam Taluk),
Now Ayanavaram Taluk,
United India Colony,
Ayanavaram,
Chennai-600 023.

3.The Assistant Commissioner,
Under Urban Land Tax Act,
Poonamallee High Road,
Aminjikarai, Chennai 600 029. ..Defendants

A.No.6560 of 2019:

The District Collector,
Chennai District,
Singaravelar Maligai,
Chennai-600 001.

..Applicant/1st Defendant

-vs

1.Mrs.Kasturi,
Wife of Parasuraman,

2.Mrs.Kalaivani,
Wife of Karunakaran
1 & 2 are daughters of Late K.T.M.Ramanujam

3.Mr.Nagarajan
Son of Late K.T.M.Ramanujam

4.Mr.Narayana Babu,
3 & 4 are sons' of K.T.M.Ramanujam

All the plaintiffs are commonly residing at
No.14/17-A, Somanathapuram 1st Street,
Kolathur, Chennai-600 099.

..Respondents/Plaintiffs

5.The Tashildar,
(Perambur Purasawalkam Taluk),
Now Ayanavaram Taluk,
United India Colony,
Ayanavaram,
Chennai-600 023.

6.The Assistant Commissioner,
Under Urban Land Tax Act,
Poonamallee High Road,
Aminjikarai, Chennai 600 029.

..Respondents/ 2nd & 3rd Defendants

This application praying that this Hon'ble Court be
pleased to set aside the Ex-parte order dated 08/12/2014
passed against the 1st Defendant in C.S.No.196 of 2014.

A.No.5821/2019:

The Assistant Commissioner,
Under Urban Land Tax Act,
Poonamallee High Road,
Aminjikarai, Chennai 600 029.

<https://hcservices.ecourts.gov.in/hcservices/>

..Applicant/3rd Defendant

-vs-

1.Mrs.Kasturi,
Wife of Parasuraman,

2.Mrs.Kalaivani,
Wife of Karunakaran
1 & 2 are daughters of Late K.T.M.Ramanujam

3.Mr.Nagarajan
Son of Late K.T.M.Ramanujam

4.Mr.Narayana Babu,
3 & 4 are sons' of K.T.M.Ramanujam

All the plaintiffs are commonly residing at
No.14/17-A, Somanathapuram 1st Street,
Kolathur, Chennai-600 099.

..Respondents/Plaintiffs

5. The District Collector,
Chennai District,
Singaravelar Maligai,
Chennai-600 001.

6.The Tashildar,
(Perambur Purasawalkam Taluk),
Now Ayanavaram Taluk,
United India Colony,
Ayanavaram,
Chennai-600 023. ..Rspondent/1st and 2nd Defendant

This application praying that this Hon'ble Court be
pleased to set aside the Ex-parte order dated 08/12/2014
passed against the 3rd Defendant in C.S.No.196 of 2014.

A.No.5822 of 2019:

The Tashildar,
(Perambur Purasawalkam Taluk),
Now Ayanavaram Taluk,
United India Colony,
Ayanavaram,
Chennai-600 023. ..Applicant/2nd Defendant

-Vs-

1.Mrs.Kasturi,
Wife of Parasuraman,

2.Mrs.Kalaivani,
Wife of Karunakaran

1 & 2 are daughters of Late K.T.M.Ramanujam

3.Mr.Nagarajan
Son of Late K.T.M.Ramanujam

4.Mr.Narayana Babu,
3 & 4 are sons' of K.T.M.Ramanujam

All the plaintiffs are commonly residing at
No.14/17-A, Somanathapuram 1st Street,
Kolathur, Chennai-600 099.

5.The District Collector,
Chennai District,
Singaravelar Maligai,
Chennai-600 001.

6.The Assistant Commissioner,
Under Urban Land Tax Act,
Poonamallee High Road,
Aminjikarai, Chennai 600 029.

..Respondents/ 1st & 3rd Defendants

This application praying that this Hon'ble Court be
pleased to set aside the Ex-parte order dated 08/12/2014
passed against the 2nd Defendant in C.S.No.196 of 2014.

These applications coming on this day before this
Court for hearing the court made the following order:

Application Nos.6560, 5821, 5822 of 2019 have been
filed by the defendants 1 to 3 respectively to set aside
the Ex-parte order dated 08.12.2014.

2. The respondents instituted C.S.No.196 of 2014
seeking declaration of title over the property and for
consequential permanent injunction. According to the
respondents, they are the owners of the suit property.

3. Mr.N.Manikandan, learned Government Advocate (CS)
appearing on behalf of the applicants would submit that as
per the records, one Mr.S.Kothandan was the owner of the
land in S.No.83/3, 121/1 and 121/2 at Kolathur Village and
the land was declared as urban land under the notification
under Section 11(1) of the Urban Land Ceiling Act, by the
third defendant on 13.06.1990. Hence, the respondents have

no right to claim title over the property.

4. The learned counsel for the respondents has filed a detailed counter and submitted that the applicants were served with suit summons in the year 2014 itself, but due to non-filing of the written statement, they were set ex-parte on 08.12.2014 and after lapse of 5 years, this application has been filed with delay of 1887 days in filing the written statement without any acceptable reason.

5. I am not able to agree with the learned counsel for the respondents for the reasons that the suit has been filed for declaration of title for permanent injunction. In view of the stand taken by the applicants/defendants, they should be given an opportunity to contest the suit. These applications are allowed accordingly.

Sd/.M.K.K.S.J.

04.10.2019

//Certified to be a true copy//

Dated this the day of 2019.

Su/17.10.2019

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.

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