



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE: 17.09.2019

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

C.R.P. (MD) .No.2794 of 2018

1.S.Periyakaruppan
2.S.Krishnan

... Petitioners/Plaintiffs

-Vs-

1.V.Kannappa Chettiar
2.R.Kannappa Asari
3.R.Krishnan Asari

4.The District Revenue Officer,
District Collector Office Campus,
Sivagangai Town Post,
Sivagangai Taluk,
Sivagangai District.

5.Meenal

... Respondents/Defendants

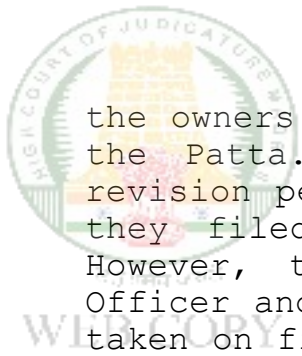
PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India seeking for a direction to the Subordinate Court, Sivagangai to number the suit in O.S.SR.No.4748 of 2018 and take the same on file.

For Petitioners : Mr.M.Saravanan
For R4 : Mr.R.Sethuraman
Special Government Pleader

O R D E R

The civil revision petition has been filed seeking a direction to the Subordinate Court, Sivagangai to number the suit in O.S.SR.No.4748 of 2018 and take the same on file.

2. It is the case of the revision petitioners that they are the owners of the property in Survey No.257/2, whereas the first respondent was the owner of the property in Survey No.257/1. Subsequently, the first respondent sold his property in Survey No.257/1 to respondent Nos.2, 3 and 5. When they have executed the sale deed, they have wrongly mentioned the Survey Nos.257/2 as well as 257/1. Therefore, the respondents 2, 3 and 5 have changed the Patta as if they are the owners of the property in Survey Nos.257/2 as well as 257/1. After the UDR survey, Patta also issued stating that the respondents 2, 3 and 5 are the owners of the property in Survey Nos.257/2 and 257/1. However, the revision petitioners are



the owners of the land in Survey No.257/2 and they are also holding the Patta. But, all these facts came to the knowledge of the revision petitioners only in the year 2017. Thereafter, immediately they filed an application to change the Patta in their name. However, this application was rejected by the District Revenue Officer and against that they had filed a suit, but the suit is not taken on file. The suit was returned stating that in the sale deed, they have referred two survey numbers and the plaintiffs are not entitled for any relief for the Survey No.257/2.

3. The learned Special Government Pleader appearing for the fourth respondent would submit that he has no objection for directing the Court below to number the suit and take the same on file.

4. Heard the learned counsel for the petitioners as well as the learned Special Government Pleader and perused the documents available on record.

5. The case of the revision petitioners is that in the present suit filed before the Court below, they have challenged the order passed by the fourth respondent, but the suit was returned as if the same is not maintainable. It is not for the Registry to return and decide the case. It is for the Court to decide about the rights of the parties. Such being the case, the Registrar of the Court below should number the suit without returning the same. Therefore, this Court directs the Registrar of Subordinate Court, Sivagangai to number the suit and post the matter before the learned Judge to adjudicate the rights of the parties.

6. With the above direction, the Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

akv
To

1.The District Revenue Officer,
District Collector Office Campus,
Sivagangai Town Post,
Sivagangai Taluk,
Sivagangai District.

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



2.The Judge, Subordinate Court,
Sivagangai

Copy to:
The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.(2 COPIES)

+1 CC to M/s.R.SUBRAMANIAN, Advocate (SR-87063[F] dated
17/09/2019)

+1 CC to M/s.SPL GP (SR-87566[F] dated 18/09/2019)

C.R.P. (MD) .No.2794 of 2018
17.09.2019

_KK/SAR/14.10.2019/3P-7C/