

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 3RD DAY OF NOVEMBER 2020

THE HON'BLE MR.JUSTICE N.SATHISHKUMAR

A.No.1184 of 2020
in
C.S.(SR)No.23685 of 2020

1.R.Pushpa,
W/o.P.K.Rajendran

2.R.Yamunavathi,
D/o.P.K.Rajendran

3.P.K.Govindaraj,
S/o. Kuppusamy
All are residing at
Old No.57A New No.72,
Perambur High Road,
Perambur, Chennai 600 011.

..Applicants/Plaintiffs

-Vs-

1.The District Collector
Collector of Chennai
Rajaji Salai
Singaravelar Maligai
Chennai 600 001.

2.The Commissioner
Greater Corporation of Chennai
Rippon Building
Park Town
Chennai 600 003.

3.Union of India
Owning Southern Rialway,
Rep. by its General Manager,
Park Town, Chennai-600 003.

4.The Estate Officer
Additional Divisional Railway Manager
Chennai Division
Park Town,
Chennai 600 003.

5.The Tahsildar
Perambur-Purasawalkam Taluk Office
Perambur,
Chennai 600 011.

...Respondents/Defendants

Application praying that this Hon'ble Court be pleased to dispense with notice u/s 80 of the Civil Procedure Code, to the defendants in the above suit.

This Application coming on this day before this court for hearing, the Court made the following order:

This suit has been filed for declaration of title on the ground that the plaintiffs are perfected a title to the property. It appears from the pleadings that various writ petitions have been filed by the plaintiffs and the same was dismissed, as against which an appeal has been filed before the Hon'ble Supreme Court.

2. Now the present suit has been filed on the ground that they perfected a title by adverse possession. Admittedly, the necessary party namely the Union of India, Owing Southern Railway Police has not been made as a party who is in control of the property. Be that as it may. Now the application has been filed to dispense with notice under Section 80 CPC. It is to be noted that only when the suit is filed when an urgent or immediate relief as against the Government is required, the Court can grant leave to bring the suit considering the urgency or immediacy of the relief which were required in the interest of justice. Admittedly, in this suit, no interim relief or urgent relief is sought and merely an application has been filed to dispense with Section 80 CPC notice. Therefore this Court is of the view that when the Court is satisfied that there is no urgency or immediate relief is required in the suit and no such relief is also granted, the plaint has to be returned to the plaintiffs for proper compliance of the Section 80 (i) of CPC directing the plaintiffs to comply the mandatory period of notice and file the suit properly after such period is expired.

3. Therefore this Court, taking note of the proviso to Sub Section 2 of Section 80 CPC direct the Registry to return the plaint to the plaintiffs for presentation to it after complying with the requirement of Sub Section 1 of

Section 80 CPC. Accordingly, the plaint is returned. In such view of the matter, all the applications are dismissed.

Sd./-N.S.K.J
03.11.2020

//Certified to be true copy//

Dated at Madras this the day of 2020.

COURT OFFICER(O.S.)

From 25th day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

JJ 11/11/2020



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