

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.PD.No.2954 of 2015 and
MP.Nos.1 & 2 of 2015

1.Rose
2.K.Ramdoss
3.P.Sai Sathiya Shree
4.C.Prabakar

..Petitioners

Vs.

1.A.Baby
2.The District Collector,
Thiruvallur
3.The Thasildar,
Thiruvallur
4.The Revenue Inspector,
Thiruvur
5.The Village Administrative Officer,
Aranvoyal Village

..Respondents

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India seeking to strike off the suit in OS.No.69 of 2015 on the file of the District Munsif, Tiruvallur as the same is absolutely filed with no cause of action and an abuse of process of law and also not maintainable in law.

For Petitioners : Mr.T.R.Rajagopalan,
Senior Counsel
for Mr.D.Ravichander

For Respondents

For R1 : Mr.N.Sankaravadivel

For R2 to 5 : Mr.S.Jaganathan,
Government Advocate (CS)

ORDER

This civil revision petition is filed to strike of the plaint in OS.No.69 of 2015 on the file of the District Munsif, Tiruvallur.

2. The petitioners are the defendants 1 to 4 in the suit filed by the first respondent herein for declaration and injunction in respect of the suit properties.

3. The learned Senior Counsel appearing for the petitioners would submit that the first respondent filed suit without any cause of action as against the petitioners. The father of the first respondent had already alienated the suit properties a decade before, in favour of the petitioners' vendor and in turn they sold out the suit property in favour of the petitioners and they were put in possession and enjoyment of the property quite long time. Therefore, the father of the first respondent herein had no title, right over the suit property to execute settlement deed in favour of the first respondent herein. Now on the strength of the alleged settlement deed, the first respondent filed suit. In

fact, the petitioners approached the District Registrar to annul the settlement deed executed in favour of the first respondent and the District Registrar commenced proceedings. Only thereafter the first respondent filed the present suit and as such it is nothing but counter blast for the proceedings initiated by the District Registrar as against the settlement deed executer in her favour by her father. The first respondent also obtained patta on the strength of the settlement deed executed in her favour by defrauding the revenue authorities.

4. The learned counsel for the first respondent conceded that the first respondent's father already executed sale deed in respect of the suit schedule properties except 43 cents of the first item of the suit schedule property and the Serial No.6 of the Item 2 of the suit schedule property. Therefore, he has no objection to strike of the plaint in respect of the other properties as against the petitioners 1 to 4 herein.

5. Heard, Mr.T.R.Rajagopalan, Senior Counsel appearing for the petitioners, Mr.N.Sankaravadivel, learned counsel for the first respondent and Mr.S.Jaganathan, Government Advocate (CS) appearing for the respondents 2 to 5.

6. The petitioners purchased the entire suit properties except 43 cents out of 1.97.6 acres comprised in survey No.271/4B situated at Aranvoyal Village, Tiruvallur Taluk from their vendor K.Kumar in the year 1998 itself by the registered sale deed. Thereafter in respect of the Serial No.1 to 5 in the item 2 of the suit schedule property, the petitioners had purchased from their vendors by various sale deeds comprised in survey No.269/2 admeasuring 1.16 cents, 269/3 admeasuring 0.70 cents, 269/4 admeasuring 0.71 cents, 271/5A admeasuring 1.20 cents and in survey No.271/3A admeasuring 1.42 cents situated at Aranvoyal Village, Tiruvallur Taluk. Immediately after purchase, they were put in possession and enjoyment of the same.

7. As submitted by the learned counsel for the first respondent, the plaint in OS.No.69 of 2015 on the file of the District Munsif, Tiruvallur is hereby struck off in respect of the above said properties except remaining extent after deducting one acre 57 cents comprised in survey No.271/4B situated at Aranvoyal Village, Tiruvallur Taluk and the property comprised in survey No.267/7 admeasuring 0.1 cents situated at Aranvoyal Village, Tiruvallur Taluk. The first petitioner can proceed with the remaining extent as against the defendants 5 to 8.

8. Accordingly, this civil revision petition is allowed.

Consequently, connected miscellaneous petitions are closed. No order as to costs.

26.02.2021

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No
lok

To

The District Munsif,
Tiruvallur



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