

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 22.12.2020

PRONOUNCED ON : 06.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

CRP(NPD)No.924 of 2016

CMP.No.5147 of 2016

(Through Video Conferencing)

A.Saravanan

Petitioner

Vs

1. State of Tamil Nadu by Collector
Udhagamandalam, The Nilgiris
2. State of Tamil Nadu by Superintendent Engineer
Generation Circle, TNEB, Kundah, The Nilgiris
3. The Assistant Executive Engineer
Generation Circle, TNEB, Emerald, The Nilgiris
4. The Executive Engineer, Generation Circle
TNEB, Kundah, The Nilgiris

Respondents

Prayer:- This Civil Revision Petition has been filed, under Section 227 of the Constitution of India, to set aside the fair and decreetal order dated 24.11.2015 passed in OS.CFR.No.3790 of 2015, by the District Munsif at Udhagamandalam.

For Petitioner : Mr.G.Ilamurugu

For Respondent : Mr.Manikandan-R1
Mr.V.Viswanathan-RR2 to 4

ORDER

1. This Civil Revision Petition has been filed, to set aside the fair and decreetal

order dated 24.11.2015 passed in OS.CFR.No.3790 of 2015, by the District Munsif at Udhagamandalam.

2. The facts of the case, in a nutshell, are that the Plaintiff is the Petitioner and the Defendants are the Respondents. The suit was filed for permanent injunction restraining the Defendants 2 to 4 from interfering with the peaceful possession and enjoyment of the suit property without due process of law. Since the plaint was rejected, at the numbering stage itself, by the impugned order, this Civil Revision Petition has been filed.
3. This court heard the learned counsel on either side and considered their submissions and also carefully perused the materials placed on record.
4. According to the Petitioner, he is in possession of the suit property for several decades as per Document No.1 annexed to the plaint and the issue of possession shall be determined only during trial and hence, the rejection of the plaint for want of documents is invalid. Reliance is placed on **2020 1 CTC 275 (Loom Tex Exports Vs. Thanneer Panthal Dharma Chathiram)**, **2002 1 CTC 742 (HPCL Vs. C.M.Hariraj and others)**, **2009 5 CTC 871 (Sunnath Jamath Committee of Masjid-e-Akasha Vs. K.Anthonysamy and others)** and **2004 3 ALD 843 (Saibaba Kirana and General Vs. Manjira Chit Fund Company)**
5. Per contra, the case of the TNEB/Respondents is that it is mandatory for the Plaintiff to file all the relevant documents along with the plaint and since there were no documents annexed with the plaint to prove the possession, the plaint was rightly rejected.

6. Admittedly, the suit property is originally belonged to the Revenue Department. The Petitioner has filed the suit, claiming that he is in possession of the suit property by virtue of Document No.1 annexed with the plaint. When the plaint was presented along with certain documents, it was returned for filing necessary documents to prove possession over the suit property.
7. Document No.1 is only a sale agreement and not a document of possession. In spite of sufficient opportunity given to the Petitioner, no document to prove the possession was filed. Hence, the plaint was rightly rejected by the court below, by the impugned order, which warrants no interference by this Court.
8. In fine, this Civil Revision Petition is dismissed. However, liberty is given to the Petitioner to file a fresh suit if he is in possession of documents to prove his possession of the suit property. No costs. Consequently, the connected MP is closed.

06.01.2021

Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
Srcm

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A.A.NAKKIRAN, J.

Srcm

To

1. The District Munsif at Udhagamandalam
2. The Collector, Udhagamandalam, The Nilgiris
3. The Superintendent Engineer, Generation Circle, TNEB, Kundah, The Nilgiris
4. The Assistant Executive Engineer, Generation Circle, TNEB, Emerald, The Nilgiris
5. The Executive Engineer, Generation Circle, TNEB, Kundah, The Nilgiris



Pre-Delivery Order in
CRP(NPD)No.924 of 2016

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