



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2021

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WEB COPY

**THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR**

**CRP (MD) .No.204 of 2020**

M.Poomanithas

...Petitioner/Appellant

Vs.

State of Tamil Nadu,  
rep. by

District Collector,

Kanniyakumari District at Nagercoil. ... Respondent/Respondent

**PRAYER:-** Civil Revision Petition filed under Article 227 of the Constitution of India to call for the records pertaining to the unnumbered plaint in O.S.No.Nil / 2020 and set aside the docket order passed therein on 14.11.2019 by the learned Principal District Judge, Kanyakumari District at Nagercoil.

For petitioner : Mr.C.M. Arumugam

For Respondent : Mr.A. Baskaran

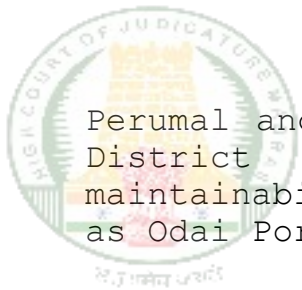
Additional Government Pleader

### **ORDER**

The revision is directed against the order of return dated 14.11.2019 and for direction to the Principal District Judge, Kanyakumari District and Nagercoil, to take the plaint on file.

2. After filing of the revision, this court has directed the learned Additional Government Pleader to file the status report with respect to the suit "B" schedule property. Before that, the learned counsel for the petitioner filed an additional typed set of papers and produced a patta with respect to S.No.1512 and whereunder, it is shown that S.No.477 having an extent of 0-5.00 Hectare standing in the name of Puhalum Perumal, S/o. Thenkarai Maharajapillai and Manikumar, son of Rajan.

3. Now, the learned Additional Government Pleader has filed a status report of the District Collector, Kanyakumari District and wherein also they have mentioned that the property comprised in R.S.No.477 / 1 and 2 are patta lands, that the property comprised in R.S.No.477/1 is having an extent of 0.05.0 Hec., and the same stand registered in the name of one Puhalum



Perumal and one other under patta No. 1512. The learned Principal District Judge has returned the plaint questioning the maintainability of the suit, as the "B" schedule property is shown as Odai Poramboke.

4. The learned counsel for the revision petitioner would admit that the plaintiff himself has pleaded in the plaint that the plaint "B" schedule property has been classified as odai Poramboke, but by oversight. He would submit that they are ready to amend the plaint and then to represent the same before the Principal District Court, Nagercoil. Since there are documents to show prima facie that the property in R.S.No.477 /1 is a patta land, there is no impediment for the Court below to take the plaint on file. Hence, the petitioner is to be directed to make necessary changes in the plaint with respect to the nature of the property and to mention the Survey Number in "B" schedule property and represent the same and on such representation, the District Court is required to take the plaint on file, if it is otherwise in order.

5. With the above direction, the Civil Revision Petition is disposed of No costs. Registry is directed to return the original plaint filed along with this revision to the learned counsel for the revision petitioner, enabling them to represent the same before the concerned Court, after taking copies of the same.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

trp

To

The Principal District Judge,  
Kanyakumari District at Nagercoil.

Copy to

The Section Officer,E.R.Section,  
Madurai Bench of Madras High Court, Madurai.

(to return the original plaint filed along with  
this revision after taking with copies of the same)

+1 CC to M/s.SPL GP ( SR-24056[F] dated 27/07/2021 )

+1 CC to M/s.C.M.ARUMUGAM, Advocate ( SR-24059[F] dated 27/07/2021 )

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**26.07.2021**

ns (CO)

TR(11.08.2021) 2P 5C