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A.No.1225 of 2022 in
CS.No.337 of 2021 &
A.Nos.959 & 960 of 2022 &
OA.No.712 of 2021

P.VELMURUGAN, J.

Application No.1225 of 2022 has been filed to revoke the leave granted by this Court on 06.10.2021 in A.No.3616 of 2021 in CS.D29366 of 2021.

2. Learned counsel for the applicants/defendants 2 & 3 would submit that the relief sought for in the suit is for declaration of the sale deed executed by the second and third defendants in favour of the fourth and fifth defendants vide sale deed No.3161 of 2021 dated 22.02.2021 at the SRO, Ambattur is null and void, ab initio and not binding on the plaintiff in respect of the suit schedule property and also for permanent injunction restraining the defendants 4 and 5 from encumbering, creating mortgage, charge, sale, settlement or gift or any alienation or transfer in any manner known to law in favour of any third party with regard to schedule property. Since the relief sought for in the suit which is a suit for land, does not fall within the scope and ambit of Clause XII of Letters Patent, this Court has no territorial jurisdiction to entertain the suit as the suit schedule property is



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outside the jurisdiction of this Court. However, this Court has granted leave to sue the sixth defendant which has to be revoked.

3. Learned counsel for the first respondent/plaintiff would submit that at the time of filing of the suit, the first respondent /plaintiff filed an application for grant of leave and the same was allowed on 06.10.2021 and subsequently, the suit is numbered as CS.No.337 of 2021.

4. A careful reading of the plaint in CS.No.337 of 2021 reveals that the suit schedule property is situated at Ambattur Taluk which falls within the jurisdiction of District Court, Thiruvallur. Therefore, the District Court, Thiruvallur alone has got the jurisdiction to entertain the suit and this Court has no jurisdiction to entertain the suit as it is a suit for land, for which, the High Court has no jurisdiction and leave cannot be granted in a suit for land relating to immovable property outside the local limits of ordinary original jurisdiction. A suit to declare the sale deed executed in favour of some of the defendants as null and void, relating to immovable property outside the jurisdiction is also suit for land for the purpose of Clause XII of the Letters Patent. Therefore, this Court lacks the jurisdiction and the leave granted by



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this Court on 06.10.2021 in A.No.3616 of 2021 in CS.D29366 of 2021 is
revoked.

5. Since the suit has already been taken on file in CS.No.337 of 2021, Registry is directed to transfer CS.No.337 of 2021 from the file of this Court to the file of District Court, Thiruvallur within a week as the leave granted has been revoked. Both the parties are directed to appear before the learned District Judge, Thiruvallur on 26.04.2022 and on appearance, learned District Judge, Thiruvallur is directed to take the suit on file and if it is otherwise in order, he can renumber the suit and proceed the same in accordance with law.

30.03.2022

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Note: Issue order copy **on 05.04.2022**



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