



C.R.P.(NPD) No.735 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 25.04.2022

CORAM : JUSTICE **N.SESHASAYEE**

C.R.P.(NPD) No.735 of 2021

K.M.Pakkirisamy
S/o.Late Munusamy
Prop. Murali Matting Company
No.4/1148, Kamaraj Nagar (New Colony)
Ariyapadi Village
Kunnathur Road
Arni Taluk
Tiruvannamalai District.

... Petitioner / Plaintiff

Vs.

1.The State of Tamil Nadu
Rep by its District Collector
Tiruvannamalai District
Tiruvannamalai.

2.The Tahsildar
Arni Taluk
Arni
Tiruvannamalai District.

... Respondents / Defendants

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the order dated 09.03.2021 made in O.S.No.Nil of 2020 on the file of the learned District Munsif, Arni.



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For Petitioner : Mr.Jeremiah Gregory John
For Respondents : Mr.P.Harish
Government Advocate

ORDER

Sometime in 2020, the revision petitioner presented his plaint with a prayer for declaration of his title and for certain other ancillary reliefs against the State of Tamil Nadu, before the District Munsif Court, Arni, This is not taken on record and hence, the plaintiff is before this Court in this revision for a direction. The suit is returned as many as five times, and almost on every occasion, the reason for return was substantially on the same ground.

2. The last of this return has occasioned on 09.03.2021. It is now brought to the notice of the trial Court, the order of this Court in ***Selvaraj and others Vs. Koodankulam Nuclear Power Plant India Limited and Others*** [2021 (4) CTC 539 :2021-3-LW.677 : 2021 (3) MWN 73], wherein this Court has clarified the grounds on which the plaint can be returned. This is detailed in a tabulation in paragraph No.31 of the order. This apart, in paragraph No.30 of the said order, this Court has directed the Courts to hear the audience in the open Court when it takes upon the matter for its



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maintainability. In fact, what this Court has done in paragraph No.30 of the ***Selvaraj case*** is to follow the ratio of this Court in ***S.Parameswari v. Denis Lourdusamy*** [2011 (5) CTC 742]. It is apparent that the trial Court has missed it. The trial Court is now directed to give audience to the plaintiff in the open Court and follow the dictum in ***Selvaraj case*** without any let or compromise.

3. With the above direction, this revision is disposed of accordingly. No costs. The Registry is also required to return the original plaint to the revision petitioner.

25.04.2022

Index : Yes / No
Internet : Yes / No
Speaking order / Non-speaking order

ds

Note : Issue order copy on 26.04.2022

To:
The District Munsif
Arni.



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N.SESHASAYEE.J.,

ds

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