



CRP.PD.No.944/2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CRP.PD.No.944/2021 & CMP.No.7629/2021

(Heard through Video Conferencing)

K.Mookaiah

... Petitioner

Vs

- 1.A.Gunasekaran
- 2.The Government of Tamil Nadu
rep.by the Collector
Erode District.
- 3.The Assistant Director [Land Survey]
Office of the Collector
District Collector office
Erode-11.
- 4.The Tahsildar [Revenue]
Tahsildar's Office
Bhavani Taluk, Erode District.
- 5.The Deputy Director
Town and Country Planning
Salem Zone, Subramania Nagar Sannathi,
Kumaramangalam, Salem District-636 005.



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6.The Deputy Director,
Town and Country Planning,
Salem Zone,
Subramania Nagar Sannathi,
Kumaramangalam,
Salem District – 636 005.

7.The Deputy Director,
Town and Country Planning,
Kumaran Building,
Tiruppur District,
Tiruppur -1.

8.The Block Development Officer,
Bhavani Panchayat Union,
Bhavani,
Erode District.

9.The President,
Periyapuliyur Panchayat,
Periyapuliyur Village,
Bavani Taluk,
Erode District.

10.The Sub Registrar Officer,
Sub Registrar Office,
Kavunthappadi Village,
Bavani Taluk,
Erode District.

11.The Secretary to Government,
Department of Rural and Urban Development Extension UD4(3)
Chennai – 600 009.



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12.The Additional Secretary to Government,
Department of Rural Development and Panchayatraj,
Chennai – 600 009.

13.The Director/commissioner,
Urban and Village Planning Movement,
4th Floor, Sengalvarayan Building,
807, Mount Road, Chennai – 600 002.

14.Sri Athi K.Sridhar

15.R.Manimala,
Regional Development Officer,
Collectorate Compound,
Erode District.

... Respondents

Prayer: The Civil Revision Petition filed under Article 227 of the Constitution of India to strike the plaint in OS.No.63/2020 pending on the file of the District Munsif Court, Bhavani and allow this Civil Revision Petition.

For Petitioner : Mr.V.S.Senthilkumar

For R1 : M/s.Zeenath Begum

For RR2 to 13 : Mr.M.Bindran, AGP

For RR14&15 : No appearance



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ORDER

- (1) The petitioner in this Civil Revision Petition who has been arrayed as the 14th defendant in the suit in OS.NO.63/2020 has invoked the supervisory jurisdiction of this Court under Article 227 of the Constitution of India seeking rejection of the plaint in OS.No.63/2020.
- (2) Though various grounds have been raised in support of the claim of the petitioner, I do not think that this Court can entertain this revision in view of the availability of the remedy under Order VII Rule 11 of the Code of Civil Procedure to the petitioner to seek rejection of plaint before the Trial Court.
- (3) In ***Virudhunagar Hindu Nadargal Dharma Paribalana Sabai and Others Vs. Tuticorin Educational Society and Others*** reported in ***2019 [9] SCC 538***, the Hon'ble Supreme Court has pointed out that *High Courts should not normally exercise the jurisdiction under Article 227 when a remedy under the Code is available to the litigant before the Trial Court.*



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(4)

Hence, this Civil Revision Petition stands **dismissed** reserving the liberty to the petitioner to seek rejection of plaint under Order 7 Rule 11 CPC, if he is so advised. No costs. Consequently, connected miscellaneous petition is closed.

24.01.2022

AP

Internet : Yes

Index : Yes / No

Speaking order: Yes / No

To

The Tamil Nadu Wakh Tribunal,
Chennai.



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R.SUBRAMANIAN, J.

AP

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24.01.2022