



C.R.P.(PD) No.1364 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 26.04.2022

CORAM : JUSTICE N.SESHASAYEE

C.R.P.(PD) No.1364 of 2022

1.J.Myvanna Kumar
2.J.Rathina Kumar
3.J.Madhava Kumar
4.J.Naveena Kumari
5.J.Mohana Kumari

... Petitioners / Plaintiffs

Vs.

1.The Commissioner
Jolarpettai Town Municipality
Jolarpettai, Tirupattur District.

2.The Tahsildar
Taluk Office, Nattrampalli
Tirupattur District

3.The Tahsildar
Taluk Office
Tirupattur
Tirupattur District.

4.The District Revenue Officer
Tirupattur.

5.The District Collector
Collectorate, Tirupattur.

... Respondents / Defendants



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Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, praying to direct the III Additional District Court, Tirupattur to take the plaint on file in O.S.C.F.R.No.3995 of 2021.

For Petitioners : Mr.R.Subramanian
For Respondents : Mr.Harish
Government Advocate

ORDER

The revision petition is filed seeking a direction to III Additional District Court, Tirupattur to take the plaint pending in O.S.C.F.R.No.3995 of 2021, to its file.

2. The plaintiffs have laid the suit for declaration of title and injunction. The plaint was returned atleast four times, and the nature of defect that is required to be cured was absolutely inconsistent with the ratio 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].

3. The learned counsel appearing for the revision petitioners submitted that a copy of the judgment in *Selvaraj case* has been circulated to the learned



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Judge, yet he continued with his way.

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4. Without getting sidetracked to the other issues, this Court now merely requires the learned III Additional District Judge, Tirupattur, to scrutinise the plaint and pass the same based on the ratio in ***Selvaraj and others V. Koodankulam Nuclear Power Plant India Limited and others*** [2021 (4) CTC 539 : 2021-3-L.W.677]. The learned Judge is also required to offer his explanation why he has not followed the authority in ***Selvaraj case***.

5. The revision is disposed of accordingly. No costs. The Registry is also required to return the original plaint to the revision petitioners.

26.04.2022

Index : Yes / No

Internet : Yes / No

Speaking order / Non-speaking order

ds

To:

The Judge

III Additional District Court, Tirupattur.



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N.SESHASAYEE.J.,
ds

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