



C.R.P.Nos.587 of 2018 etc., batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.09.2023

CORAM :

THE HONOURABLE MR. JUSTICE V. LAKSHMINARAYANAN

C.R.P.Nos.587 to 600 of 2018; C.R.P.Nos.3668 to 3686 of 2017 &
C.R.P.No.3281 of 2017

and

C.M.P.No.3150 to 3163 of 2018; C.M.P.Nos.170499 to 17067 of 2017

In CRP.No.587 of 2018:

Syed

... Petitioner

Versus

1. Martharkula Welfare Association,
Reg.Society No.110/2007, rep.by its
1) President A.G. Gurusamy,
2) Secretary R.Velusamy
3) Treasurer A.P.Gurusamy,
Sri Angalamman Temple,
Trichy Road, Palladam, Coimbatore District.

2. Arulmighu Angalamman Temple Palladam,
Rep.by its Managing Trustee, A. Narayanaswamy,
Office at Sri Angalamman Temple,
Trichy Road,
Palladam Coimbatore District.

... Respondents



C.R.P.Nos.587 of 2018 etc., batch

Civil Revision Petition is filed under Article 227 of the Constitution of India, pleaded to strike off the plaint in O.S.No.214 of 2015 on the file of the learned I-Additional District and Sessions Judge of Tiruppur by allowing the Civil Revision Petition.

For Petitioners : Mr. V. Ayyadurai, Senior Counsel
for Mr. C. Ananda Ramani

For Respondents : Mr. N.S. Nandakumar (for R1)

COMMON ORDER

These Civil Revision Petitions have been filed to strike off the plaints.

2.The principal argument of Mr. V. Ayyadurai, learned counsel appearing for Mr.D.Gopal, learned counsel for the petitioners is that *inter se* the plaintiffs and defendants, proceedings had taken place under the provisions of the Tamil Nadu Minor Inams (Abolition and Conversion Into Ryotwari) Act, 1963 (*Tamil Nadu Act 30 of 1963*). Under those proceedings, the Settlement Tahsildar had issued a Patta in favour of the revision petitioners. Ignoring the same, the present suits for ejectment has been filed, against the civil revision petitioners.



C.R.P.Nos.587 of 2018 etc., batch

WEB COPY

3.He would urge that without setting aside those orders, suits are not maintainable. He would state that since the proceedings have already been concluded till the Supreme Court, the suits for recovery of possession is not maintainable.

4.At that juncture, I pointed out to the learned Senior Counsel that the Supreme Court in a very recent judgment, in the case of, ***Virudunagar Hindu Nadargal Dharma Paribalana Sabai & Ors., Vs. Tuticorin Educational Society & Ors., reported in (2019) 9 SCC 538 (Mr.Justice V. Ramasubramanian)***, has held that where there is an effective remedy available to the party under the Code of Civil Procedure, the High Court should not normally interfere under the provisions of Article 227 of the Constitution of India.

5.In the present case, the defendants are entitled to invoke the provisions under Order VII Rule 11 of CPC., stating that the suits have no cause of action or can treat it as, abuse of process of Court under Order VI Rule 16, and file an application. This is because, if such an application is



C.R.P.Nos.587 of 2018 etc., batch

filed, the plaintiffs would have a right to file a counter and defend its position. This Court would also have a benefit of the judgment of the Trial Court in the said proceeding.

6.In the light of the above discussion, reserving the rights of the civil revision petitioners to present an application either under Order VI Rule 16 or under Order VII Rule 11, these Civil Revisions are dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

29.09.2023
(1/2)

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

klt



WEB COPY



C.R.P.Nos.587 of 2018 etc., batch

V. LAKSHMINARAYANAN, J.,

klr

C.R.P.Nos.587 to 600 of 2018;
C.R.P.Nos.3668 to 3686 of 2017 &
C.R.P.No.3281 of 2017
and
C.M.P.No.14045 to 14054 of 2017;
C.M.P.Nos.170499 to 17067

29.09.2023

(1/2)