



WEB COPY



CRP.No.2854 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

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- 1.Muniyammal
- 2.Madhammal
- 3.Palaniyammal
- 4.Govindaraj
- 5.Muniyammal
- 6.Srinivasan
- 7.Kanniyammal
- 8.Kamatchi
- 9.Ravikumar
- 10.Palani
- 11.Parvathi

... Petitioners

Vs.

- 1.Gnanasekaran
- 2.Lakshmi
- 3.Gowriammal
- 4.Vediyappan
- 5.Vikash
- 6.Prakash
- 7.Ravichandran
- 8.Saravanan
- 9.Sangeetha
- 10.The Special Tahsildar,
Land Acquisition,
Krishnagiri Taluk,
Krishnagiri District
- 11.The District Revenue Officer,
Krishnagiri District
- 12.The District Collector,
Krishnagiri District

... Respondents



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PRAYER: Civil Revision petition is filed under Article 227 of the Constitution of India to direct the learned Principal District Judge, Krishnagiri to take the unnumbered OS.SR.No.1644 of 2019 on the file and further directs to dispose the same in accordance with law.

For Petitioners : Mr.Dhanaram

For Respondents

For R1,2,4,6,7&8 : Mr.G.Punniakoti

For R10 to 12 : Mr.C.Sathish

For R3 : No appearance

ORDER

This civil revision petition has been filed challenging the docket order, thereby returned the plaint for want of document to prove the possession and enjoyment over the suit schedule properties.

2. Heard, the learned counsel appearing on either side.

3. The petitioners are plaintiffs, who filed suit praying as follows:

(a) declaring the rights, title and ownership of the plaintiffs in the suit properties



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(b) granting permanent injunction restraining the defendants 1 to 9 from any way disturb the plaintiffs peaceful possession and enjoyment of the suit properties,

(c) grant permanent injunction restraining the defendants 1 to 12 any way making encumbrance over the suit properties

(d) to declare the registered settlement deed dated 04.08.2017 bearing doc.No.1718/2017 as null and void

(e) to declare the registered settlement deed dated 04.08.2017 bearing doc.No.1716/2017 as null and void

(f) to declare the registered settlement deed dated 04.08.2017 bearing doc.No.1719/2017 as null and void

(g) to declare the registered settlement deed dated 04.08.2017 bearing doc.No.1717/2017 as null and void

(h) awarding costs of the suit to the plaintiff, and

(i) granting such other relief of reliefs as this Honorable Court may deem fit and proper to under the circumstances of the above case and thus render justice

4. The said plaint was returned for want of some corrections. Though the same was re-presented after compliance, finally it was returned for the reason that the petitioners are directed to file any one of the documents to prove the possession and enjoyment over the suit properties. It is very unfortunate to state that it is a matter for trial. If the petitioners are able to prove the possession and enjoyment of the suit property, the suit will be decreed.



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Therefore, the trial court ought not to have returned the plaint for the said reason.

5. Hence, the petitioners are directed to re-present the plaint within a period of two weeks from the date of receipt of copy of this order and the trial court is directed to number the suit, if it is otherwise in order, without insisting any document in order to prove the possession and enjoyment of the suit properties, and to proceed with the suit.

6. With the above directions, this civil revision petition is disposed of. There shall be no order as to costs.

22.02.2023

Note: Registry is directed to return the original plaint after retaining a copy of the same, and issue order copy on or before 01.03.2023

Index :Yes/No

Internet : Yes/No

Speaking order/non-speaking order

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G.K.ILANTHIRAIYAN, J.



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- To
- 1.The Principal District Judge,
Krishnagiri
 - 2.The Special Tahsildar,
Land Acquisition,
Krishnagiri Taluk,
Krishnagiri District
 - 3.The District Revenue Officer,
Krishnagiri District
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