



C.R.P.No.4001 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2023

CORAM:

THE HONOURABLE Mrs.JUSTICE T.V.THAMILSELVI

C.R.P.No. 4001 of 2023

and

C.M.P.No.24523 of 2023

1.P.B. Sridhar
2.P.K. Rangasamy

.. Petitioners

Vs

1.Thulasi Jagan
2.Raja Ramakrishnan

3.The State of Tamil Nadu
represented by its District Collector,
Erode, Erode District.

4.The Sub Registrar,
Kavundapadi Registrar Office,
Kavybdaoadu via,
Bhavani Taluk,
Erode District.

.. Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, directing to number the unnumbered O.S.No. of 2023 on the file of the District Munsif Court, Bhavani, Erode District.



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For Petitioner : Mr. J. Titus Enock

ORDER

This Civil Revision Petition is filed directing to number the unnumbered O.S.No. of 2023 on the file of the District Munsif Court, Bhavani, Erode District.

2. Before the trial Court, the revision petitioners as a plaintiffs have filed a suit praying to declare that the 1st item of the suit property as a seepage vaikkal and also for permanent injunction against the defendants who are the individuals and Government officials. Along with the plaint, they have filed an application in I.A.No.2 of 2023 under Order 1 Rule 8 and Section 151 CPC to grant permission to file the suit on the representative capacity. That application was taken on file as I.A.No.2 of 2022 by the District Munsif, Bhavani. But the plaint was returned stating that suit was filed against the Government Authorities, as such is not maintainable.

3. Aggrieved over the said finding, the plaintiffs filed this



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revision.

4. For representative capacity I.A. is pending. The trial Judge returned the plaint on various occasions raising query with regard to the inability and all those queries were complied. Finally the suit shows that the presiding officer has not obtained any such claim. The prayer is not against the Government Officials but also against the individual persons and patta land is not a government poramboke. Though the plaintiff filed the suit for declaration and by numbering the plaint, the Court has to verify only on administrative side whether it is maintainable or not, it can be decided only after the trial. Therefore, the civil Court is directed to number the plaint within two weeks from the date of receipt of copy of this order.

5. In the result, the Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

02.11.2023

Index :Yes/No
Neutral Citation :Yes/No
AT

To

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T.V.THAMILSELVI, J.

AT

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C.M.P.No.24523 of 2023

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