



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2023

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.Nos.3936 & 3937 of 2019
and C.M.P. Nos.25982 & 25978 of 2019

C.R.P.No.3936 of 2019

Arulraj

... Petitioner

Vs

1.The State of Tamil Nadu

Represented by District Collector,
Salem.

2.The Tahsildar,

Mettur Dam, Salem District.

3.The Village Administrative Officer,

Avadathur Village,
Mettur Dam, Salem District.

4.The District Registrar,

District Registration Office,
District Collectorate, Salem.

5.The Sub Registrar,

Sub Registrar Office,
Jalakandapuram, Mettur Dam, Salem District.

... Respondents

For Petitioner : Mr.A.Sundara Vadhanan

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For Respondents : Mr.B.Tamil Nidhi

Additional Government Pleader (CS)

C.R.P.No.3937 of 2019

Arulraj

... Petitioner

Vs

1.P.G.Rajan

2.G.Vijayakumar

3.The State of Tamil Nadu

Represented by District Collector,
Salem.

4.The Tahsildar,

Mettur Dam, Salem District.

5.The Village Administrative Officer,

Avadathur Village,

Mettur Dam, Salem District.

6.The District Registrar,

District Registration Office,

District Collectorate, Salem.

7.The Sub Registrar,

Sub Registrar Office,

Jalakandapuram,

Mettur Dam, Salem District.

... Respondents

COMMON PRAYER:-Civil Revision Petition filed under Section 115 of the Code of Civil Procedure to under Article 227 of the Constitution of India against the common fair and decreetal order dated 23.10.2019 passed in I.A.Diary No.85 & 86 of 2019 in O.S.No.139 of 2018

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respectively on the file of the learned Additional District Court, Mettur.

For Petitioner : Mr.A.Sundaravadhanan

For Respondents : Ms.S.Nandhini Devi for R1 & R2
Mr.B.Tamil Nidhi for R3 to R7
Additional Government Pleader (CS)

COMMON ORDER

These Civil Revision Petitions have been filed against the order on repeated returns made in I.A.Diary Nos.85 & 86 of 2019 in O.S.No.139 of 2015 on the file of the learned District Munsif Court, Mettur.

2. The plaintiff is the Civil Revision Petitioner. The plaintiff sought for relief of declaration and other prohibitory reliefs. It was the stand of the defendant that for the suit schedule mentioned property, a patta had been granted. Thereafter, an application was filed to implead the State Authorities as well as to dispense with Section 80 C.P.C. notice. The said application has been repeatedly returned from 15.06.2019 to 23.10.2019.

3. Heard Mr.A.Sundaravadhanan, learned counsel for the

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petitioner and M/s.Nandhini Devi, learned counsel for the contesting respondents 1 and 2 and Mr.Tamilnidhi, learned Additional Government Pleader for the Government.

4. It had been settled by the judgment of this Court in ***Selvaraj and Others Vs. Koodankulam Nuclear Power Plant India Limited, Rep. through its Project Director***” reported in (2021) 5 MLJ 467 that the Court should not repeatedly return the matter without numbering the applications. This Court has made a fine distinction between the ministerial acts and the judicial acts.

5. A perusal of the returns found at Pg.No.24 of the typed set of papers, dated 15.06.2019, shows that these are not the returns which are capable of correction at the level of the ministerial staffs. Questions relating to dispensing with Section 80 C.P.C. notice etc., are matters which have to be gone into by the Court, after numbering the application.

6. Ms.Nandhini, learned counsel wanted me to enter into the

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Note to Office:- *The original I.A.SR.Nos.85 & 86 of 2019 have been filed before this Court. After obtaining usual endorsements, the original I.A. petitions shall be returned to the counsel for the petitioners.*



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To

The Additional District Court, Mettur.

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V. LAKSHMINARAYANAN,J.

Gba

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