



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.07.2023

CORAM

**THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN
THILAKAVADI**

C.R.P(MD)No.1675 of 2023

C.Kumaravel

... Petitioner/Plaintiff

Vs.

- 1.The Chief Secretary,
Government of Tamil Nadu,
St. George Fort,
Chennai.
- 2.The Commissioner,
Land Administration,
Ezilagam,
Chennai.
- 3.The District Collector,
Collectorate,
Theni.
- 4.The Revenue Divisional Officer,
Periyakulam.
- 5.The Tahsildar,
Office of the Tahsildar,
Theni.
- 6.The Dean,
The Veterinary College and Research Institute,
Thappagundu Village,
Veerapandi Post,
Theni Taluk & District.



7.Mr.Dr.P.N.Richard Jegadeesan

Dean,

The Veterinary College and Research Institute,

Thappugundu Village,

Veerapandi Post,

Theni Taluk & District.

...Respondents/Defendants

Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order passed by the Sub-ordinate Court, Theni, in Unnumbered O.S..... of 2023 in CNR No.TNTH0300055/2023 dated 05.06.2023 and consequently, to direct the learned Sub-Judge, to number the suit.

For Petitioner

:Mr.V.P.Rajan

ORDER

This civil revision petition is preferred by the plaintiff against the order passed by the the learned Sub-Judge, Theni, in the unnumbered O.S.

2.According to the revision petitioner, he has made a request for assigning agricultural land which has been enjoyed by the petitioner and his ancestor. Hence, he filed a suit for assigning the land, in his favour. It is submitted that there is no question of entering into an agreement between the petitioner/plaintiff and the respondent/defendant 1-5 as required under Contract Act. However, the Court below found that since no agreement was in existence between the parties, no cause of action arose and therefore, the



suit is not maintainable and rejected the plaint. Aggrieved by this, the present Civil Revision Petition is filed.

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3.The learned counsel appearing for the revision petition would submit that assigning the land to the farmers and other downtrodden people would depend upon the Government scheme under the revenue standing order which is issued by the Government from time to time. Therefore, there will not be any agreement between the parties. The Government never enters into any agreement with citizens before assigning the lands. Hence, the finding of the learned trial Judge while rejecting the plaint is untenable and requires consideration by this Court. It is further submitted that the plaintiff has preferred a revision representation for assigning the land with request that he and his family has been enjoying the land for many years without any interruption. Such representation is sufficient to file the above suit. The moment, the petitioner submitted his representation cause of action arose for filing the suit and therefore, seeks for a direction to direct the learned Sub-Judge, Theni, to number the suit.

4.Heard the learned counsel appearing for the petitioner and perused the materials available on record.



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5.On perusal of the records, it is seen that the plaint was rejected by the learned Sub-Judge, on the ground that there is no corresponding contract between the petitioner and the Government and therefore, no cause of action arose to file the above suit. As rightly pointed out by the learned counsel for the revision petitioner that normally the lands are assigned to the needed person only, according to the Government Orders, as per scheme issued from time to time by the Government. Certainly, there will not be any contract between the Government and the public for assigning the lands to them. Therefore, the findings rendered by the trial Court is untenable and cannot be accepted. Therefore, the learned Sub-Judge, Theni, is directed to number the suit if it is in accordance.

6.With the above direction, this Civil Revision Petition is disposed of.

No costs.

14.07.2023

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

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To

1.The Sub-ordinate Court,
Theni.

2.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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K.GOVINDARAJAN THILAKAVADI, J.

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