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C.R.P.(NPD).No.1167 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.(NPD).No.1167 of 2024

A.Hussain Mohammed

... Petitioner

VS

- 1.The District Collector
Chennai District,
Singaravelar Building,
Rajaji Salai,
Chennai – 600 009.
- 2.The District Revenue Officer
Chennai District,
Singaravelar Building,
Rajaji Salai,
Chennai – 600 009.
- 3.The Tahsildar
Aynavaram Taluk,
Chennai – 600 023.
- 4.The Section Officer
Water Resources Department,
Redhills irrigation Section,
Chennai – 600 052.



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5.The Assistant Engineer
Public Works Department,
Kosasthalai River Basin Section,
Redhills, Chennai – 600 052.

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the impugned docket order returning the Un-Numbered Complaint, dated 01.12.2023, passed in O.S. SR. No. 17754 of 2023, by CITY CIVIL COURT AT CHENNAI, by allowing the above Civil Revision Petition.

For Petitioner : Mr.E.Prabu

For Respondents : Mr.C.Sathish
Government Advocate

ORDER

The Civil Revision Petition is filed seeking to set aside the Docket Order dated 01.12.2023 returning the unnumbered complaint in O.S.SR.No.17754 of 2023 on the file of the City Civil Court, Chennai.

2. The petitioner herein filed a suit seeking declaration of his title and for permanent injunction. He also sought for a declaration that revenue entries



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in respect of suit schedule property as 'Eri Ulvai' is fraudulent and non-est in the eye of law. He also sought for a direction to the defendants 1 to 3 to pay a sum of Rs.10,00,000/- towards damages and compensation for illegal demolition of petitioner's building existed in the suit property. The plaint was returned by the Court below raising various queries on 27.11.2023. One of the main objection raised by the Court below was that the petitioner/plaintiff was not entitled to file a suit without having proper title over the suit schedule property. The petitioner represented the plaint by offering his explanation. Thereafter, the matter was called in open Court and after hearing the petitioner, the impugned order of return was passed by the Trial Court by directing the petitioner/plaintiff to produce patta for the suit property in the name of the petitioner/plaintiff. The Court below also opined that in a suit for declaration of title, the plaintiff shall *prima facie* establish his enforceable legal right over the suit property and he must have a formal cause of action.

3. A reading of cause of action paragraph of the plaint would indicate that the petitioner/plaintiff claiming title over the suit property under Sale Deed dated 04.10.2004 and the said document was produced as plaint



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Document No.1. The petitioner also produced the other revenue documents like property tax, property tax demand card receipt, water tax etc. At the time of registration of the plaint, the Court is only concerned with averments in the plaint regarding cause of action and the proper valuation of the relief sought for in the plaint.

4. This Court in ***Selvaraj vs. Koodankulam Nuclear Power Plant India Limited*** reported in ***2021 SCC Online Mad 2514*** issued guidelines to the Trial Courts regarding registration of the plaint. In the guidelines issued by this Court in Paragraph No.53, it has been clearly stated that production of documents shall not be insisted upon at the initial stage. In the case on hand, the petitioner, who is seeking declaration under Sale Deed dated 04.10.2004 produced the certified copy of the same as Plaint Document No.1. He made necessary pleadings constituting cause of action for seeking relief of declaration and injunction. Therefore, there may not be any impediment to the Trial Court to number the plaint.

5. Even in the impugned order, the Trial Court mentioned that at the



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time of filing the case, Court cannot make a roving enquiry or conduct a mini trial. However, the impugned order has been passed as if, there was no pleadings in the plaint constituting cause of action in support of relief sought for. Therefore, the impugned order is set aside and the Court below is directed to number the plaint and proceed with the same in accordance with law.

6. Accordingly, the Civil Revision Petition stands allowed. No costs.

28.03.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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S.SOUNTHAR, J.

dm

To

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