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C.R.P.No.1679 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2024

CORAM

THE HONOURABLE MR.JUSTICE **V. LAKSHMINARAYANAN**

C.R.P.No.1679 of 2024
and
C.M.P.No.8838 of 2024

1.Murugan
2.Palani
3.Velu

.. Petitioners

VS

1.Chinthamani Village general Public
Rep. By 1.Karthikeyan, 2.Gobi &
3. Murali

2.Saraswathi
3.Ramesh

4.The District Collector,
Villupuram.

5.The District Revenue Officer,
Villupuram.

6.The Tashildhar,
Vikkravandi.

7.The Village Administrative Officer,
Chinthamani Village.

.. Respondents

Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 18.01.2024 passed in I.A.No.146 of 2023 in O.S.No.76 of 2022 on the file of Principal District Munsif cum Judicial Magistrate Court, Vikravandi.



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For Petitioner : Mr.V.Sundarraman
For Respondents : Ms.Akila Rajendran
Government Advocate
for R4 to R7

ORDER

This revision arises against an order dismissing the application filed for rejection of plaint.

2. The case of the plaintiff is that the civil revision petitioners have encroached upon the village lands and they are attempting to influence the Revenue Department to obtain patta for the same. The specific pleading, in paragraphs 2 and 3 of the plaint, is that the encroachment made by the defendants affects the rights of the village populace.

3. On being serviced with the summons, the defendants took out an application for rejection of plaint. It is their case that there is no cause of action for the plaintiff and he has no locus standi.

4. Lack of locus standi of the plaintiff is not a ground for rejection of plaint. A reading of paragraph 3 of the plaint discloses that there is cause of action. When it comes to treatment of an application under Order VII Rule 11 C.P.C., I am concerned only



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with the averment made in the plaint and not with the defence that would be taken by the defendants in the written statement. Learned District Munsif cum Judicial Magistrate at Vikravandi has applied his mind and has applied the correct principle of law while dismissing the application. A wholesome reading of the plaint shows that there is a cause of action for the suit. Therefore, the order passed by the learned District Munsif cum Judicial Magistrate at Vikravandi on 18.01.2024 in I.A.No.146 of 2023 in O.S.No.76 of 2022 does not require any interference. The Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

5. Learned counsel for the petitioners pleads that this order must not stand in the way of the petitioners in taking the defences available to them in their written statement. It is needless to state that I have considered the averments made in the plaint alone and it is for the defendants to raise all defences available to them in the suit. I am sure that if such defences are taken, learned District Munsif cum Judicial Magistrate at Vikravandi would consider the same and pass appropriate orders in the suit.

18.04.2024

Index:Yes/No
Neutral Citation:Yes/No
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To

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Judicial Magistrate Court, Vikravandi.
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V. LAKSHMINARAYANAN,J.

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