



WEB COPY



CRP.No.1487 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.1487 of 2021
and
CMP.No.11706 of 2021

M/s.Sumanth & Co.,
Represented by its Managing Partner
Mr.Sumanth Subramanian
No.8, (57), Luz Avenue
Mylapore, Chennai 600 004.

... Petitioner

Vs.

1.Sheela K.Sarath
2.A.Anjaiah
3.A.Ramathulasi
4.G.Ravindrakumar

5.M/s.Dual Structurals & Industries Pvt.Ltd.,
Represented by its partner A.Anjaiah
No.3/355, AGS ColonyExtn
Beach Road, Venkateswara Nagar
Kottivakkam
Chennai 600 041.

6.The Taluk Surveyor
Sholinganallur Taluk Office
Sholinganallur Taluk
Chengalpattu District.



CRP.No.1487 of 2021

7.The Tahsildar
Sholinganallur Taluk Office
Sholinganallur Taluk
Chengalpattu District.

8.The District Collector
Chengalpattu District
Chengalpattu.

...Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to strike off the plaint in OS.No.234 of 2021 instituted in the vacation Chengalpet, subsequently transferred to the file of the Principal District Munsif Court, Alandur and renumbered as OS.No.213 of 2021.

For Petitioner : Ms.T.Anjolie Udhayarani
for M/s.AAV PARTNERS

For Respondents : Mr.G.V.Sridharan for R1

Mr.T.S.Vijaya Raghavan for R2 to R5

Mr.C.Sathish for R6 to R8
Government Advocate



CRP.No.1487 of 2021

WEB COPY

ORDER

The instant Revision Petition is filed seeking to strike out the plaint in OS.No.234 of 2021 on the file of the Vacation Court, Chengalpattu, subsequently, re-numbered as OS.No.213 of 2021 on the file of the Principal District Munsif, Alandur.

2. The respondents herein filed a suit seeking mandatory injunction directing the respondents 6 and 7 to survey the suit schedule property and also for permanent injunction restraining the respondents 1 to 5 from interfering with his peaceful possession and enjoyment of the property.

3. The petitioner who is the fifth defendant in the suit has filed an application to strike out the plaint on the ground that the plaint did not disclose proper cause of action against him. If the plaint does not disclose any cause of action, it is always open to the petitioner to file an application for rejection of the plaint under Order 7 Rule 11 of CPC. When the petitioner is having remedy before the regular Civil Court, this Court is not inclined to



CRP.No.1487 of 2021

exercise its supervisory power as held by the Hon'ble Apex Court in

Virudhunagar Hindu Nadargal Dharma Paribalana Sabai and Ors. Vs.

Tuticorin Educational Society and Ors., reported in ***MANU/SC/1365/2019.***

4. In view of the law settled by the Hon'ble Apex Court in the judgment cited above, the Civil Revision Petition is not maintainable and consequently, the same is dismissed with liberty to the petitioner to move the trial Court to file an application to reject the plaint in accordance with law.

5. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

11.01.2024

Index : Yes / No

Internet : Yes / No

dna



CRP.No.1487 of 2021

WEB COPY

- To**
- 1.The Munsif Court, Alandur.
 - 2.The Taluk Surveyor
Sholinganallur Taluk Office
Sholinganallur Taluk
Chengalpattu District.
 - 3.The Tahsildar
Sholinganallur Taluk Office
Sholinganallur Taluk
Chengalpattu District.
 - 4.The District Collector
Chengalpattu District
Chengalpattu.



WEB COPY



CRP.No.1487 of 2021

S.SOUNTHAR, J.

dna

CRP.No.1487 of 2021
and
CMP.No.11706 of 2021

11.01.2024