



C.R.P.(PD).No.4139 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD).No.4139 of 2024

P.Sadasivam

.. Petitioner

Versus

1. Anbudurai
2. The District Collector,
District Collector Office,
Cuddalore,
Cuddalore District.
3. The Revenue Divisional Officer,
Revenue Division Office,
Chidambaram,
Cuddalore District.
4. The Tahsildar,
Office of the Tahsildar,
Kattumannarkoil,
Cuddalore District.
5. The Chief Land Surveyor,
Office of the Tahsildar,
Kattumannarkoil,
Cuddalore District.
6. The Taluk Land Surveyor,
Udaiyarkudi Circle,
Kattumannarkoil Taluk,



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7. The Village Administrative Officer,
Office of the VAO,
Udaiyarkudi,
Kattumannarkoil Taluk,
Cuddalore District.

.. Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India to strike off the plaint in O.S.No.24 of 2023 pending on the file of the District Munsif-cum-Judicial Magistrate Court at Kattumannarkoil, Cuddalore District.

For Petitioner : Mr.K.Raja

For Respondents : Mr.T.Arunkumar,
Additional Government Pleader,
for RR-2 to 7

ORDER

This Civil Revision Petition seeks to strike off the suit in O.S.No.24 of 2023 on the file of the District Munsif-cum-Judicial Magistrate Court, Kattumannarkoil, Cuddalore.

2. Heard Mr.K.Raja, learned Counsel for the petitioner and Mr.T.Arunkumar, learned Additional Government Pleader for the respondent Nos.2 to 7.



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3. O.S.No.24 of 2023 is a suit for bare injunction restraining the defendants from interfering with the peaceful possession and enjoyment of the first respondent/plaintiff and for permanent injunction restraining the respondent Nos.2 to 7/defendant Nos.2 to 7 from surveying the property at the instance of the first defendant/civil revision petitioner.

4. The civil revision petitioner/first defendant pleads that he purchased the property from the original owner by way of a registered sale deed, dated 23.12.2021 for a valuable consideration of Rs.31,25,620/-. He pleads that being the true owner, a suit for injunction is not maintainable as against him. In addition, Mr.K.Raja pleads that the respondent Nos.2 to 7/defendant Nos.2 to 7 cannot be enjoined from performing their statutory duties in terms of the Tamil Nadu Survey and Boundaries Act, 1923.

5. Heard Mr.K.Raja, learned Counsel for the petitioner and Mr.T.Arunkumar, learned Additional Government Pleader for the respondent Nos.2 to 7.



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6. The issue that is pleaded by Mr.K.Raja is a matter which has to be gone into at the time of trial. No doubt, this Court has the power to strike off the plaint, but, it should be exercised with extreme caution. In the present case, where the parties have already completed their pleadings and the matter is ready for trial, I am of the view that the suit need not be struck off by this Court. There is always an option for the plaintiff to move an application under Order VII Rule 11 or under Order VI Rule 16 of the Code of Civil Procedure to strike off the suit as an abuse of process of Court.

7. Apart from that, since the matter is ripe for trial and as the civil revision petitioner is a senior citizen, aged about 71 years, I feel that it will be appropriate to direct expeditious disposal of O.S.No.24 of 2023.

8. Accordingly, this Civil Revision Petition is disposed of with a direction to the learned District Munsif-cum-Judicial Magistrate, Kattumannarkoil, Cuddalore to take up O.S.No.24 of 2023 for disposal and complete the said proceedings within a period of six months from the date of receipt of a copy of this order. No costs.



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Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs



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To

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V.LAKSHMINARAYANAN, J.

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