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C.R.P.No.1627 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2024

CORAM:

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.No.1627 of 2024
and C.M.P. No.8663 of 2024

1.Karuppanna Gounder
2.Jaganathan

... Petitioners

Vs.

1.Chandrasekaran

2.Krishnaveni

3.The Tahsildhar,
Sathyamangalam Taluk.

4.State of Tamil Nadu,
Rep. By its District Collector,
Erode District.

5.The Superintending Engineer,
Tamilnadu Electricity Generation and Distribution Circle,
Gobichettipalayam.

6.The Commissioner,
Sathyamangalam Municipality.

7.The Assistant Director,
District Town and Country Planning Authority,
Erode.

8.The Sub Registrar,



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Sub Registrar Office,
Sathyamangalam.

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9.The District Registrar,
Gobichettipalayam.

... Respondents

PRAYER : Civil Revision Petition is filed under Article 227 of The Constitution of India, to call for the records and to strike off the plaint in O.S.No.110 of 2023 which is pending on the file of District Munsif of Sathyamangalam.

For Petitioners : Mr.M.Saravanakumar

ORDER

This Civil Revision Petition has been preferred to call for the records and to strike off the plaint in O.S.No.110 of 2023 which is pending on the file of District Munsif of Sathyamangalam.

2. Heard Mr.M.Saravanakumar, learned counsel for the petitioners.

3. This Civil Revision Petition is filed seeking to strike off the plaint in O.S.No.110 of 2023. The suit has been filed for declaration of title and for injunction. According to the petitioners, the suit does not have a cause of action and it is an abuse of process of law. Pursuant to the orders of this Court dated 27.04.2023, the petitioners had gifted the property in favour of



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Sathyamangalam Municipality and therefore, the petitioners cannot claim right over the same. If the petitioner feels that there is no cause of action for the suit or that, it is an abuse of process of law, their remedy is to file an application under Order VII Rule 11 or under Order VI Rule 16 before the Trial Court. It is not for this Court to strike off the plaint where mixed questions of law and fact are involved.

4. With the above observations, this Civil Revision Petition is dismissed. The petitioners are at liberty to file an application under appropriate provisions. No costs. Consequently, connected Miscellaneous Petition is closed.

Index: Yes/No
Speaking / Non Speaking Order
gsk

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V.LAKSHMINARAYANAN,J.

gsk

To

1.The District Munsif,
Sathyamangalam.

2.The Tahsildhar,
Sathyamangalam Taluk.

3.The District Collector,
Erode District.

4.The Superintending Engineer,
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