



C.R.P.(MD)No.2402 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 03.10.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

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M.Kannan

... Petitioner

Vs.

1.The Commissioner of Land Administration,
O/o. the Land Revenue and Land Survey,
Survey Illam 3rd Floor, Chepauk,
Chennai- 600 005.

2.The Director,
O/o. the Land Revenue and Land Survey,
Survey Illam 3rd Floor, Chepauk,
Chennai – 600 005.

3.The District Collector,
O/o. the District Collector,
Sivagangai District.

4.The District Revenue Officer,
O/o. the District Revenue Officer,
Sivagangai District.

5.The District Registrar (Admin),
O/o. The District Registrar,
Sivagangai District,
Sivagangai.

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to grant an order directing the District Munsif Court, Sivagangai to take



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on file and number the plaint filed in O.S.No. Nil of 2024 dated 19.07.2024 in filing No. O.S.152/2024 and CNR No.TNSV040001082024 and decide the same on the merits and in accordance with law within a time frame fixed by this Court.

For Petitioner : Mr.S.M.Kadhar

* * *

ORDER

Heard the learned counsel for the revision petitioner.

2.The revision petitioner filed the petition mentioned plaint. In the plaint, he had questioned the orders passed by the District Revenue Officer, Sivagangai. He wanted the relief of declaration that those orders are null and void.

3.The Court below declined to number the plaint on the ground that the plaintiff must explain as to how in a civil suit, the proceedings of the revenue authority can be questioned. This return is questioned in this civil revision petition.



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4.The learned counsel for the revision petitioner draws my attention to the decision reported in 2021 (4) CTC 539 (Selvaraj Vs. Koodankulam Nuclear Power Plant India Limited). A learned Judge of this Court has held as follows:-

Heads	Permissible during scrutiny of Complaint	Not permissible
Relief : Order 7, Rule 7 & 8	Yes, but limited to ascertaining if a relief at all is sought	Appropriateness or suitability of the relief sought cannot be gone into. This is not Court's job. Seeking the relief is the prerogative of the Plaintiff. The fact that the Court may not grant it ultimately is a matter for adjudication, and is part of its Judicial act and not part of its Ministerial act of numbering the complaint. (See AIR 1942 Mad 446)

5.I am satisfied that the aforesaid decision squarely applies to the case on hand. The Registry is directed to return the original complaint to the learned counsel for the revision petitioner. The revision petitioner / plaintiff is at liberty to re-present the same. It shall be numbered subject to fulfilment of other formalities. In other words, the Court below shall not raise any question as regards the relief portion.



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6.The civil revision petition is allowed accordingly. No costs.

03.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

The District Munsif Court,
Sivagangai.



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G.R.SWAMINATHAN, J.

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