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C.R.P.(MD)No.3314 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 08/03/2024

CORAM

The Hon'ble Mr.Justice **G.ILANGOVAN**

CRP(MD)No.3314 of 2023

Suresh Babu : Petitioner/Plaintiff

Vs.

1.Uma

2.The Sub Registrar,
Kovilpatti Taluk,
Tuticorin District.

3.The District Collector,
Tuticorin District,
Tuticorin.

: Respondents 1 to 3/
Defendants 1 to 3

PRAYER:- Civil Revision Petition has been filed under Article 227 of the Constitution of India, to direct the District Judge, Tuticorin to take on file and number the plaint in un-numbered OS No.-2023 pending in file No. 5176 of 2023, dated 01/11/2023 on the file of the District Judge, Tuticorin and to decide the same on merits in accordance with law within a time frame fixed by this court.

For Petitioner : Mr.N.Mariappan



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O R D E R

WEB COPY This Civil Revision Petition has been filed seeking for direction to the District Judge, Tuticorin to take on file and number the plaint in Un-numbered OS No.-2023 pending in file No.5176 of 2023, dated 01/11/2023 on the file of the District Judge, Tuticorin and decide the same on merits in accordance with law within a time frame.

2.The facts in brief:-

The plaint was presented by the petitioner before the trial court seeking the following relief:-

"That he is entitled for the suit property and for recovery of possession and the sale deed, dated 30/05/2018 is not valid under law. The plaint was returned periodically after mentioning some defects. Finally, it was returned by the trial court by questioning the maintainability of the suit stating that the plaintiff is not entitled for declaration and how the relief is sought for in respect of the sale deed, dated 30/05/2018. How the relief of recovery of possession will lie in the absence of any title."



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3.Both the reliefs for declaration are mutually destructive in nature.

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4.Against which, this civil revision petition is filed.

5.This court is at loss to understand the reasoning of the return. The maintainability of the suit ought not to have been taken in the administrative decision. If the trial court wants any clarification the relief sought in the plaint, it ought to have been taken on the judicial side. Without taking the matter on the judicial side to decide the maintainability, return of the plaint on the administrative side is not proper. Return can be made by the office or the Registry as the case may be, if any defects are found in the presentation and not with regard to the maintainability of the suit.

6.So on the sole ground, the above said return order is ordered to be set aside. There shall be a direction to the trial court to admit the plaint if it is found otherwise in order. If the trial court wants any clarification over maintainability, it can be taken on the judicial side as noted above. For that purpose, let the original plaint be returned to the petitioner for



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further process after retaining the copy of the same by
the Registry.

7.In the result, this civil revision petition is
allowed with the above said observation. No costs.

08/03/2024

Index:Yes/No
Internet:Yes/No

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To,

- 1.The District Judge,
Tuticorin.
- 2.Kovilpatti Taluk,
Tuticorin District.
- 3.The District Collector,
Tuticorin District,
Tuticorin.
- 4.The Section Officer,
ER/VR Section,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVA, J

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