



CRP(PD) No. 73 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 12.06.2025

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

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P. Sredivi

... Petitioner

Vs.

1. M. Saradha

2. K. Anbazhagan

3. V.S.Ravi

4. Nagarajan,
Village President,
Chinnammappettai Village and Post,
Tiruttani Taluk, Tiruvallur District.

5. Village Administrative Officer,
Chinnammappettai Village and Post,
Tiruttani Taluk, Tiruvallur District.

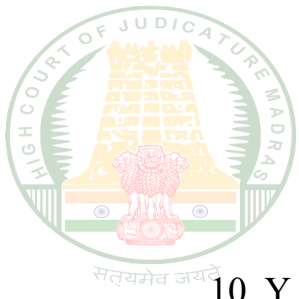
6. N. Mukundan

7. J. Mythili

8. M. Mohan

9. C. Yuvaraj

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10. Y. Pushpa

11. M. Ragavan

12. Chilamathru Geetha

13. Dhakshyani

14. A. Thavamani

15. P. Krishnamoorthy

16. Quresh A Kapadia

17. Nishreen Quresh

(respondents 1 to 17 excet 5th respondent
are unnecessary party, hence given up)

18. The Tahsildar,
Tiruttani, Tiruttani Post and Taluk,
Tiruvalluvar District.

19. The Revenue Divisional Officer,
Tiruttani Town and Post,
Tiruttani Taluk, Tiruvalluvar District.

20. The District Collector,
Office of the Collectorate,
Tiruvalluvar District.

21. The Sub Registrar,
Tiruvalangadu

... Respondents

Prayer : Civil Revision petition has been filed under Article 227 of the



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Constitution of India to set aside the docket order passed by the learned Principal District and Sessions Judge, Tiruvallur made in I.A.No.03 of 2024 in O.S.No.615 of 2024 dated 04.12.2024.

For Petitioner : Mr. S. Mukunth,
Sr. Adv., for
Mr. D. Babu Veradharajan

For Respondents : Ms. R. V. Gayathri,
for M/s. P.B. Ramanujam Associates
counsel for R1

: Mr. S.Rajesah,
Gov. Advocate,
For R5, R18 to R21.

ORDER

Challenging the order passed by the Trial Court in I.A.No.3 of 2024 in O.S.No.615 of 2024 dated 04.12.2024 by appointing a commissioner to identify the land and file a report, the present revision has been filed the 6th respondent.

2. The suit in O.S.No.615 of 2024 was filed by the first respondent for declaration to annul all the documents alleging that in the year 2013, her husband took her to the registering authority and obtained her signature on certain documents, fraudulently, by making false representation as if it was



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a security bond for agriculture loan, however, it was a sale deed and power document. Subsequently, the sale deeds were executed pursuant to the said forged power of attorney and she came to know about the said facts only when she received summons in O.S.No.36 of 2024, which was filed by the the revision petitioner/6th respondent for permanent injunction.

3. In the said suit in O.S.No.615 of 2024, an application in I.A.No.3 of 2024 has been taken out by the first respondent/plaintiff for appointment of commissioner to identify the suit properties and file a report as to whether the suit property still remains as an agricultural land or converted as house sites and the same has been allowed by the Trial Court. Challenging the same, the revision has been filed.

4. The main contention of the learned senior counsel for the revision petitioner is that the commissioner cannot be appointed to gather the evidence. This application is taken out to over come the order already passed as against the first respondent in I.A.No.2 of 2024 in O.S.No.36 of 2024, wherein the first respondent was enjoined from interfering with the possession of the property.



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5. Where as, the learned counsel for the respondent would submit that the property is still remains as an agricultural property, and the first respondent is cultivating the same and now, the suit has been filed as if the property has been converted as house site. Therefore in order to find out those facts, appointment of commissioner is absolutely necessary.

6. I have heard the submissions made on both sides and perused the entire materials available on records carefully.

7. It is not in dispute that the property has been sold in the year 2013. Though it is now alleged that as if her husband took her to the registering authority, and obtained her signature in certain documents, it is relevant to note that the said documents have not been challenged within a period of three years. Be that as it may, now, the suit(O.S.No.615 of 2024) has been filed for declaration to annul the documents on the ground of fraud, only after the first respondent/plaintiff was restrained by way of an interim injunction in the interlocutory application filed by the purchaser in O.S.No.26 of 2024, which was filed for bare injunction.



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8. This Court is of the view that the suit is for mere declaration to declare the documents as null and void on the ground of fraud and in such a case, the identity of the property does not arise at all. What is required to be seen and what are relevant in the above suit is only whether the fraud has been established as alleged by the first respondent/plaintiff. The identity of the property is not concerned. Admittedly, the first respondent/plaintiff is suffering with an order of interim injunction in the other suit filed by the purchaser in O.S.No.36 of 2024. That order is still in force and it has not been challenged so far. Without establishing a stand before the court that she is in possession, conveniently, she has filed an application in a different suit for identification of the property.

9. Therefore, this Court is of the view that the identification of the property does not arose at all. If the petitioner is able to prove her case and get the document annulled, the title automatically reverts back to her. Such being the possession, the identity of the property, at this stage, does not



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arise at all. Hence, the impugned order passed by the Trial Court is liable to be set aside.

10. Accordingly, this Civil Revision Petition is allowed and the impugned order passed by the Principal District Judge, Tiruvallur in I.A.No.3 of 2024 in O.S.No.615 of 2024 stands set aside. No Costs.

12.06.2025

mrp

To

1. The Principal District and Sessions Judge, Tiruvallur



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N. SATHISH KUMAR, J.

mrp

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