



WEB COPY

C.R.P.No.781 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2025

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THE HONOURABLE MR. JUSTICE P.B.BALAJI

C.R.P.No.781 of 2025 and
C.M.P.No.4671 of 2025

Manikandan

... Petitioner

Vs.

1.J.Kaliammal

2.J.Kumar

3.The Managing Director,
Tamil Nadu Urban Habitat Development Board,
Kamarajar salai,
Chennai - 600 005.

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, pleaded to set aside the impugned order dated 27.11.2024 passed in I.A.No. 4 of 2023 in O.S.No. 6007 of 2022 by the learned XIII Assistant City Civil Court at Chennai.

For Petitioner	: Mr.Sunny Sheen Akkara for Mr.A.Manojkumar
For Respondents 1 & 2	: No appearance
For respondent 3	: Mr.M.Gouthaman Standing Counsel



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ORDER

Heard Mr.Sunny Sheen Akkara for Mr.A.Manoj Kumar, learned

counsel for the revision petitioner and Mr.M.Gouthaman, learned Standing Counsel for the 3rd respondent. Despite service of notice, the respondents 1 and 2 have not chosen to appear.

2. The 1st defendant in a suit for declaration and various other reliefs is the revision petitioner. Aggrieved by the dismissal of I.A.No.4 of 2023 which is taken out for rejection of the plaint under Order VII Rule 11 of CPC, the present revision has been filed.

3. The learned counsel for the petitioner taking me to the plaint states that there is absolutely no cause of action for filing the suit to declare the plaintiffs to be entitled to the allotment which admittedly stands in the name of the mother of the 1st defendant, in and by way of registered sale deed dated 17.04.2001. That apart, the learned counsel for the petitioner would also invite my attention to Section 65 of the Tamil Nadu Slum Areas (Improvement and Clearance) Act, 1971 read with Rule 3 of Tamil Nadu Slum Clearance Board (Control and Management of Properties) Rules, 1971 and states that the suit is also barred under Order VII Rule 11 (d) of CPC since there is bar of jurisdiction of Civil Courts under Section 65. Section 65 of the said Act is extracted hereunder for easy reference.



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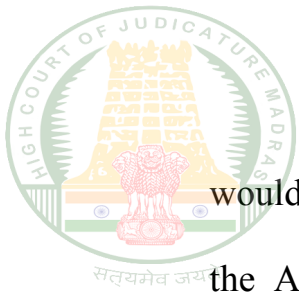
65. Bar of jurisdiction of civil courts:-

“No civil court shall have jurisdiction in respect of any matter which the Government are, or the prescribed authority is, empowered by or under this Act, to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act”

4. It is seen that in respect of any action taken by any authority exercising power under the Act, or in pursuance of any power conferred, by or under the Act, no civil court shall entertain the suit for determination of any issue that arises out of such action and no injunction shall also be granted.

5. In terms of Rule 3, the Chairman is empowered to allot or grant plots, tenements or other premises owned, or under the control of the Board, to any slum dweller, whom the chairman considers eligible, by way of sale, lease cum sale, lease or license, on such terms and conditions and subject to such restrictions, payment of such value, rent free or other charges as the board determines from time to time.

6. In the light of the above, going by the relief sought for in the suit, it is clear that the action of the authority exercising power under the Act is challenged in the suit. When there is a clear bar of jurisdiction of Civil Courts under Section 65, the suit is certainly not maintainable. The only option that



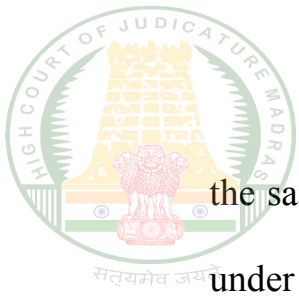
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would have been open for the plaintiffs is to approach the authorities under the Act, in accordance with the provisions thereunder and not to file an independent suit to declare the actions of the authority, exercising power under the Act, as null and void or not binding on the plaintiff. Even otherwise, as rightly contended by the learned counsel for the petitioner, the plaint does not even state as to how and when the father of the plaintiffs was allotted the property and it is their specific case that their mother was the original allottee in the year 1973-1974. However, it is seen from the sale deed executed in favour of the revision petitioner's mother that only by the Government Order in G.O.Ms.No.1117 dated 27.06.1979 and G.O.Ms.No.1100 dated 29.08.1980, the board took over the lands, by way of acquisition. There can be no truth, therefore, in the averment that the plaintiffs' mother was allotted the said portion in the year 1973- 1974.

7. The learned standing counsel for the respondent board also submitted that the suit is not maintainable, since there is a clear bar of Civil Courts jurisdiction under the enactment.

8. As already found that the suit is barred by the provisions of 65 of



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the said enactment. Therefore, the application for rejection of the plaint filed under Order VII Rule 11 (d) CPC ought to have been entertained and the plaint should have rejected under Order VII Rule 11 (d) CPC. Therefore, without any necessity to go into the issue whether there was any cause of action, which has also been additionally raised as one of the ground in the plaint, this Court is inclined to set aside the order passed in I.A.No. 4 of 2023 in O.S.No. 6007 of 2022. Accordingly, the Civil Revision Petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

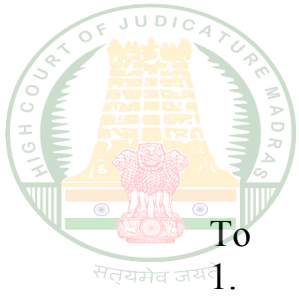
29.07.2025

Index:Yes
Speaking Order : Yes
Neutral Citation Case : Yes

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P.B.BALAJI, J.

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To
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