



A NO. 500 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2025

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THE HONOURABLE MR JUSTICE K.KUMARESH BABU

A NO. 500 of 2025

in C.S.DR.No.7043 of 2025

AL. Nachal

W/o.C.Alagappan, No.F2, Omm Builders, No.133, Gandhi Road,
Velachery, Chennai 600 042.

Applicant(s)

Vs

T. Gautami and 2 others

D/o.Sheshagiri Rao, All the Defendants are residing at No.20, 6th
Cross Street, Sri Venkateswara Nagar, Kottivakkam,
Thiruvanmiyur, Chennai 600 041. and 2 Others

Respondent(s)

For Applicant(s):

M/s. G. Uma Maheswari
H.Luqmaan Sheriff

For Respondent(s):

S.Namasivayam

S.Rajkumar (166/2004)

R.Balambigai Gowri-ms/1130/2000

A.Muthusubramaniam (416/2011)

T.Saminathan-ms/2971/2011

B.V.Diveyadharsini (2766/2018)

Vak For R-1 -d.No.4923/2025 Filed On 18/02/2025

Mobile: 9840776464



Cn-r2 And R3 Service Awaited



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ORDER

The present application has been filed to grant leave to sue against the respondents/defendants before this Court.

2.Heard Ms.G.Uma Maheswari, learned counsel for the applicant and Mr.S.Namasivayam, learned counsel for the first respondent.

3.Learned counsel appearing on behalf of the applicant would submit that the present suit had been filed for damages against the defendants for illegally demolishing the property belonging to her. He would submit that the part of cause of action had arose in Chennai while the applicant was the given information by the authorities of Chennai Corporation at the address of the applicant at Chennai and since, the applicant has filed the present suit for damages, the suit is also not a suit for property and therefore, he had approached this Court to initiate the present suit against the defendants who are residing outside the jurisdiction of this Court. Therefore, he seeks this Court to grant leave as prayed for.

4.Countering his arguments, Mr.S.Namasivayam learned counsel appearing on behalf of the



first respondent would submit that the damages are sought to be claimed on the

that the respondents had demolished the property put up by the applicant. He would submit

that this Court do not have territorial jurisdiction to deal with the suit. He would submit that

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the property is situated outside the jurisdiction of this Court and that the alleged demolition

even is assumed to be happened and a suit for damages there for do not lie within the

jurisdiction of this Court. He would further submit that the applicant seeks to take note of a

RTI reply received by the applicant from the authorities within the jurisdiction of this Court

and the receipt of such application by the plaintiff who is residing within the jurisdiction of

this court to be a part of cause of action for invoking the jurisdiction of the Court. He would

submit that the jurisdiction of the Chennai corporation is available even to areas which has

not been delineated within the jurisdiction of this Court. If the claim of the applicant is to be

entertained many suits of properties which is lying outside the territorial jurisdiction of the

Court would be innocuously filed by claiming that the corporation authorities who deal with

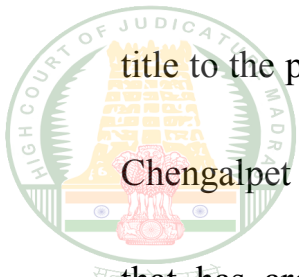
the permission for development of the properties are within the jurisdiction of the Court.

Therefore, he would submit that the said contention cannot be a cause of action for the suit as

the cause of action is only the allegation of illegal demolition by the respondent. That apart he

would submit that the first respondent herein had already initiated a suit against one

C.Alagappan and plaintiff seeking to cancel the partition deed upon which the plaintiff claims



title to the properties and the same had been taken on file before the Principal Judge,

Chengalpet in OS.NO.42 of 2025. Therefore he would submit that there is no cause of action

that has arose for the plaintiff to sue the defendants before this Court and the present

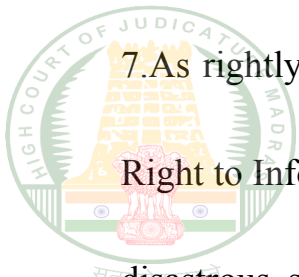
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application only to sue the defendants is to innocuously over come the territorial jurisdiction

of this Court. Therefore, he prays this Court to dismiss the application.

5. I have considered the submissions made by the learned counsels appearing for their respective parties.

6.The present suit had been filed for damages against the defendants for illegally demolishing the property which is admittedly situated outside the jurisdiction of this Court . The applicant seeks to rely upon the residence of the plaintiff and the information received under Right to Information Act from the Corporation Authorities at his residence at Chennai. A cause of action is a bundle of facts which leads to the initiation of a proceedings before a Court which has territorial jurisdiction. The present suit is for damages on a cause of action which arose out of an illegal demolition of a property which is outside the jurisdiction of this Court. Any number of communication received by the respective parties from third parties or inter-parties cannot give rise to a part of cause of action as they are all subsequent communications which has arisen due to the said cause of action.



7. As rightly pointed out by the learned counsel for the respondent, if such reply to the

Right to Information Act are taken to be a part of cause of action, then it would only lead to a

disastrous situation where the parties would be approaching a Court which do not have

territorial jurisdiction on the actual cause of action. Such receipt of reply under the Right to

Information Act or exchange of notices between the parties cannot be said to be a part of

cause of action that had arisen in the suit to institute a suit in a Court which does not

territorial jurisdiction to deal with the issue.

8. For the aforesaid conclusions arrived at by this Court, this Court is of the view that the

present suit cannot be instituted before this Court as this Court do not have a territorial

jurisdiction to deal with the actual cause of action.

9. In such view of the matter, the Registry is directed to return the plaint to the learned

counsel for the plaintiff to enable him to present the same before the appropriate forum

having territorial jurisdiction to deal with the matter.

10. In fine, the leave to sue is rejected subject to the aforesaid direction.

25-03-2025

Gba



To

1. T. Gautami and 2 others

D/o. Sheshagiri Rao, All the Defendants are residing at No.20, 6th Cross Street, Sri Venkateswara Nagar, Kottivakkam, Thiruvananthapuram, Chennai 600 041.

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2. T. Adhiti Subbulakshmi Bhatia

D/o. Sandeep Bhatia

3. Hemavathy

Chennai