



WEB COPY

CRP. No.431 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **25.06.2025**

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP. No.431 of 2025

and CMP. No.2617 of 2025

A.Sathish

Petitioner(s)

Vs

- 1.Venkatesan
- 2.Devanathan
- 3.The Commissioner,
Cuddalore Municipal Corporation,
Cuddalore.
4. The State of Tamil Nadu,
Represented by its,
District Collector, Cuddalore District.
- 5.Tahsildar, Cuddalore Taluk,
Cuddalore District.

Respondent(s)

PRAYER: This Civil Revision Petition under Article 227 of the Constitution of India, to strike off the suit in O.S. No.109 of 2024 on the file of the learned District Munsif Court, Cuddalore and to allow the above Civil Revision Petition.

For Petitioner : Mr.C.K.Chandrasekar
for Mr.V.Janarthanan

For Respondents : Mr.D.Ashok Kumar for R1 & R2
Mr. D.Gopal,
Government Advocate
for R3 to 5



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ORDER

The Civil Revision Petition has been preferred to strike off the suit in O.S. No.109 of 2024, on the file of the learned District Munsif, Cuddalore.

2. The suit has been filed seeking a relief of permanent injunction to restrain the defendants, from in any manner interfering with the plaintiff's peaceful possession and enjoyment of the suit property. Pending the suit, the 4th defendant has come up by way of this revision seeking the extraordinary relief under Article 227 of Constitution of India to strike off the plaint, it being an abuse of process of law.

3. Heard learned counsel for the petitioner Mr.C.K.Chandrasekar, Mr.D.Ashok Kumar, learned counsel for the respondents 1 & 2 and Mr. D.Gopal, learned Government Advocate for R3 to R5.

4. The learned counsel for the petitioner would invite my attention to the various orders passed by the Hon'ble Division Bench of this Court wherein, the respondents 1 and 2 were admittedly parties and directions



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were issued to the official statutory respondents to take action on the complaint of encroachment on the public road. The Authorities have conducted survey and also found that the respondents 1 and 2 have encroached on the public pathway, on the specific directions issued by the Hon'ble Division Bench of this Court to take action to remove such encroachment made by the respondents 1 and 2. In fact, an attempt was also made by one of the respondents, who is also a plaintiff in the present suit which is sought to be struck off, seeking to recall of the order passed by the Hon'ble Division Bench, which was rejected by the Hon'ble Division Bench, leaving it open to the party to file a Review, if so advised. Without availing the liberty granted by the Hon'ble Division Bench, the respondents have chosen to file the present suit to protect their possession.

5. Having suffered adverse orders and despite directions of the Hon'ble Division Bench of this Court and also having unsuccessfully attempted to recall one of such orders, the present suit has been filed. There is a clear bar under the statute. The suit is nothing but an abuse of process of law it is also barred under Section 189(e) of the Tamil Nadu



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P.B.BALAJI, J.,

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Urban Local Bodies Act, 1998. Therefore, I am inclined strike off the
plaint as the present suit cannot stand the scrutiny of the law even for a
moment, especially in the light of the various directions and orders
passed by different Hon'ble Division Benches of this Court.

6. In fine, this Civil Revision Petition is allowed. Consequently,
connected Miscellaneous Petition is also closed. No costs.

25.06.2025

rkp

Index : Yes / No

Internet : Yes / No

To:

1. The District Munsif,
Cuddalore.
2. The Commissioner,
Cuddalore Municipal Corporation,
Cuddalore.
3. The State of Tamil Nadu,
Represented by its,
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