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C.R.P.No.1117 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.03.2025

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**THE HONOURABLE Ms. JUSTICE P.T. ASHA**

**C.R.P.No. 1117 of 2025**

**&**

**C.M.P.No. 6590 of 2025**

1.R.D.S.Palani

2.R.S.Velu

...Petitioners

Vs.

1.Kuppan

2.Harikrishnan

3.Mahalakshmi

4.Rukmani

5.Manikandan

6.The Deputy Director  
Town and Country Officer,  
DTCP Office, Navalpur,  
Ranipet.



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7.The Director,  
Director of Town & Country Planning Office,  
2<sup>nd</sup>, 3<sup>rd</sup> & 4<sup>th</sup> Floor, C & E Market Road,  
Koyambed, Chennai – 107

8.The Commissioner  
Sholinghur Panchayat,  
Sholinghur, Ranipet District

9.The Revenue Divisional Officer,  
RDO Office, Ranipet,  
Ranipet District.

10.The Sub Registrar,  
Sholingar Sub Registrar Office  
Sholingar, Ranipet District

...Respondents

**Prayer:** Civil Revision Petition is filed under Article 227 of the  
Constitution of India to strike off the plaint in OS.No.181 of 2024 on  
the file of the Sub Court, Arakkonam.

For Petitioners : Mr. V.Chandraprabu

For Respondents : Mr. D.Gopal  
6 to 10 Government Advocate.



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## **ORDER**

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This revision petition has been filed to strike off the plaint in OS.No.181 of 2024, on the file of the Sub Court, Arakkonam, on the ground of the re-litigation.

2. The argument that has been advanced is that the suit OS.No.181 of 2024 filed by the plaintiffs / respondents 1 to is liable to be struck off on the ground that it is a clear case of re-litigation since the mother of the plaintiffs under whom they claim a right had earlier filed a suit in OS.No.251 of 2011 on the file of the Sub Court, Ranipet, which was subsequently transferred to the file of the Sub Court, Arakkonam and re-numbered as OS.No.310 of 2014. In order to appreciate the case of the petitioners and to arrive at a decision as to whether the suit OS.No.181 of 2024 should be struck off, it would be apposite to consider the two plaints.

3. The suit OS.No.310 of 2014 was filed by one Thilagavathi the



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wife of the 1<sup>st</sup> respondent and the mother of respondents 2 to 5 herein / the plaintiffs in OS.No.181 of 2024 for declaring her title in respect of the C schedule property therein and direct defendants 1 to 6 to deliver possession of the same and for permanent injunction restraining defendants 1 to 6 from creating any encumbrances over the suit property and for injunction restraining the 7<sup>th</sup> defendant therein from registering any document in respect of the suit property.

4. The C schedule property is an extent of 8 cents in the items 1 to 3 of the A schedule property and 10 cents in 4<sup>th</sup> item of the A schedule property. The A schedule properties are the lands comprised in S.F.No.1205/33 (0.37 acres), S.F.No.1205/37 (0.16 acres), S.F.No.1205/35 (0.15 acres) and S.F.No.1205/25 (0.22 acres).

5. The plaintiff / Thilagavathi would contend that the property was purchased by her from one Kasthuriammal under a registered sale deed dated 01.03.2004; that she has been in possession and enjoyment of the property since then and got revenue records mutated in her name.



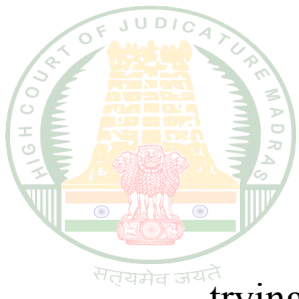
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She had been issued patta bearing Patta No.320 in respect of the suit property.

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6. The plaintiff therein would contend that defendants 1 to 5 have lands described as B schedule property situate to the South and West of the A schedule property. The B schedule property consists of 4 items of properties in S.F.No.1205/29 (0.37 acres), S.F.No.1205/24 (0.12 acres), S.F.No.286/6 ( 2.02 acres) and S.F.No.286/10 (0.65 acres).

7. The plaintiff therein would submit that the 6<sup>th</sup> defendant therein was engaged in the a real estate business and defendants 1 to 5 along with the 6<sup>th</sup> defendant had leveled the B schedule property in the last week of October 2011. At the time of leveling the B schedule property the defendants have trespassed into the A schedule property and annexed it to the B schedule property. While the defendants were doing this, the plaintiff was at Bangalore. This illegally occupied portion has been described as C Schedule property.



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8. The plaintiff would submit that the defendants therein are trying to alienate the property to the 7<sup>th</sup> defendant. Hence the suit in OS.No.310 of 2014.

9. The suit OS.No.181 of 2024, which is the subject matter of this revision has been filed by the husband and the children of the said Thilagavathy. It is their case that the A schedule property belonged to one Kasthuriammal besides other properties. The A schedule property has been described as lands comprised in S.No.1205/25 (0.23 cents) and S.No.1205/16 (0.05 cents). Of this only the first item of the property finds place in the A schedule property in OS.No.310 of 2014. The plaintiffs would contend that their mother Thilagavathy purchased the A schedule property to an extent of 23 cents from Kasthuriammal under a registered sale deed dated 01.03.2004. The said Thilagavathy was in possession and enjoyment of the suit property including the first item of the A schedule property. The second item of the A schedule property was an ancestral property of the plaintiffs. The lands were being cultivated.



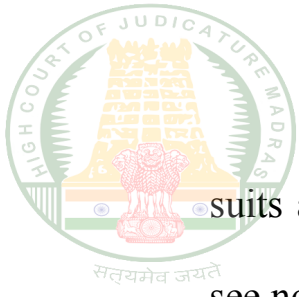
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10. It is their further case that the defendants have developed the C schedule property into house sites and they have obtained approval by showing the road access in the A and B schedule property without their having any right over the same. The C schedule property are the lands comprised in S.No.1205/22 (0.05 cents), S.NO.1205/24 (0.12 cents), S.No.1205/27 (0.18 cents) and S.No.1205/29 (0.37 cents).

11. The A schedule property which includes properties that are being cultivated including the road has been projected as part of the layout in the portion of the A schedule property. The plaintiff would submit that their lands have been shown as a pathway for the purpose of getting approval from the authorities. Therefore, the suit in OS.NO.181 of 2024.

12. From a reading of the pleadings and a comparison of the same it is clear that the subject matter and cause of action in both these suits are distinct and separate. There is no similarity between the two



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suits and it cannot be stated to be a case of re-litigation. Therefore, I see no reason to strike off the plaint.

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13. The civil revision petition is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

**19.03.2025**

Index : Yes/No  
Internet : Yes/No

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To

The Sub Court,  
Arakkonam.

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**P.T. ASHA, J,**



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