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CRP.No.1878 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.B. BALAJI

CRP.No.1878 of 2025

and

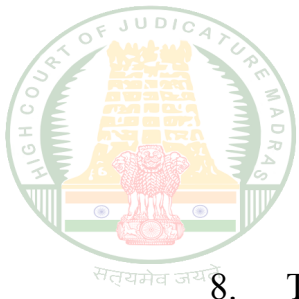
CMP.No.10835 of 2025

1. M.Kumaresan
2. C.K.Kannan

...Petitioners

Vs.

1. P.Punga
2. P.Vanitha
3. P.Babyshalini
4. P.Iyyappan
5. The Inspector of Police, (L & O),
O/o. The Inspector of Police,
T-4, Maduravoil Police Station,
No.358, Maduravoil Police Station,
Koyambedu, Maduravoil, Chennai – 600 095.
6. The Deputy Commissioner of Police,
O/o. The Deputy Commissioner of Police
T-4, Maduravoil Police Station,
No.358, Maduravoil Police Station,
Koyambedu, Maduravoil, Chennai 600 095.
7. The Assistant Commissioner of Police,
O/o. The Assistant Commissioner of Police,
T-4, Maduravoil Police Station,
No.358, Maduravoil Police Station,
Koyambedu, Maduravoil, Chennai 600 095.



CRP.No.1878 of 2025

WEB COPY

8. The Commissioner of Police,
O/o. The Commissioner of Police,
No.132, The Commissioner Office Building,
EVK Sampath Road, Vepery, Chennai 600 007.
9. The District Collector – Thiruvallur,
O/o. The District Collector,
Master Plan Complex, Thirutani Road,
Jaya Nagar, Thiruvallur 602 001.
10. The Secretary to Government,
O/o. The Secretary to Government Home Department,
St. George Fort, Chennai 600 009. ...Respondents

Civil Revision Petition filed under Article 227 of Constitution of India, to strike off the Plaint in O.S.No.41 of 2025 on the file of the District Munsif at Poonamallee.

For Petitioners : Mr.Aravind Subramanian,
Senior Counsel
for Mr.V.Haribabu

For Respondents : Mr.N.Muthuvel,
Government Advocate, for R5 to R10
: No Appearance, for R1 to R4

ORDER

The present revision petition has been filed seeking to strike off the Plaint in O.S.No.41 of 2025 on the file of the District Munsif Court, Poonamallee.



CRP.No.1878 of 2025

WEB COPY

2. Heard Mr.Aravind Subramanian, learned Senior Counsel for the petitioners. The contesting respondents/plaintiffs, despite service of notices in the present revision, have not chosen to appear either in person or through any counsel.

3. Mr.Aravind Subramanian, learned Senior Counsel for the petitioners take me through the plaint to establish the fraud attempted to be played by the respondents/plaintiffs. Firstly, he takes me through the identity of the defendants and the admitted case of the plaintiffs that the defendants have not been in possession and the plaintiffs have nothing to do with the present defendants. The averments in this regard have been made in the paragraph no.4 of the plaint.

4. The learned Senior Counsel for the petitioners also stated that the plaintiffs have categorically admitted that they are not in possession of the suit property and they have not been permitted to enter into the suit property and the said averments in paragraph no.25, evidence the same. However, the plaintiffs have chosen to file the suit for bare permanent injunction, as if the plaintiffs are continuing in possession and that the



CRP.No.1878 of 2025

WEB COPY

defendants are attempting to disturb their possession and enjoyment.

5. The learned Senior Counsel further submitted that it is a classic case of impersonation where by impersonating the defendants, documents were executed and under the said documents, the plaintiffs are attempting to claim to be in lawful possession. Learned Senior Counsel also invites my attention to various police complaints and the orders of this Court and submitted that pursuant to the directions issued, possession has been taken by the petitioners.

6. The learned Government Advocate appearing for the respondents 5 to 10 states that a charge sheet has already been filed against the respondents 1 to 4 and they have been arrayed as accused. He would submit that the plaint itself discloses that the plaintiffs are out of the possession, therefore, the plaintiffs cannot maintain the suit for bare permanent injunction and the relief would not be available to them.

7. I have carefully perused the records. As rightly contended by the learned Senior Counsel, even from a casual reading of the plaint, it is



CRP.No.1878 of 2025

WEB COPY

evident that the plaintiffs admit that they are not in physical possession.

The relief for permanent injunction is clearly out of bounds. As held by Apex Court, such vexatious claims have to be nipped in the bud.

8. In the light of the pronouncement of the Hon'ble Supreme Court in the case of *T.Arivanandam V. T.V.Satyapal, (1974) 4 SCC 467*, which has been followed by this Court in *C.R.P.No.1431 of 2025 dated 13.06.2025*, where this Court held that Courts should be more vigilant in throwing out any frivolous and fictitious claims, the present case is a classic case, where Article 227 of the Constitution of India would have to be invoked to reject the plaint. Accordingly, the Civil Revision Petition is allowed, the plaint in O.S.No.41 of 2025 pending on the file of the District Munsif, Poonamallee is struck off. No Costs. Consequently, connected Miscellaneous Petition is closed.

28.08.2025

jd

Index : Yes / No

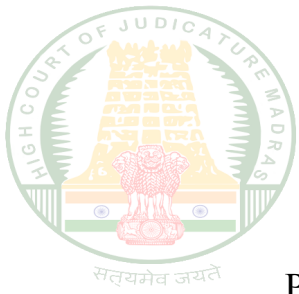
Speaking order : Yes / No

NCC : Yes / No

To

1. The District Munsif,

Page No.5 of 7



CRP.No.1878 of 2025

WEB COPY

Poonamallee.

2. The Inspector of Police, (L & O),
O/o. The Inspector of Police,
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5. The Commissioner of Police,
O/o. The Commissioner of Police,
No.132, The Commissioner Office Building,
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6. The District Collector – Thiruvallur,
O/o. The District Collector,
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P.B. BALAJI, J.
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