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CRP. No.2001 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on:15.07.2025

Pronounced on:22.08.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

**CRP. No.2001 of 2025
and CMP. No.11523 of 2025**

Vignesh

Petitioner

Vs

- 1.P.Lokesh
- 2.P.Saravanan
- 3.The Commissioner
Poonamallee Panchayat Union,
Poonamallee, Chennai – 600 056.
- 4.The Assistant Block Development Officer
(Administration), Poonamallee Panchayat
Union, Poonamallee, Chennai – 600 056.
- 5.The Tahsildar,
Poonamallee Taluk,
Thiruvarur District.
- 6.The Member Secretary,
Chennai Metropolitan Development
Authority, Thalamuthu Natarajan Building,
No:1, Gandhi Irwin Road, Egmore,
Chennai – 600 008.
- 7.The District Collector,
Thiruvallur District, Thiruvallur.

Respondents

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 13.02.2025 made in I.A. No.6 of 2024 in O.S.No.286 of 2023 passed by the learned Additional District Munsif Court, Poonamallee.



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For Petitioner : Mr.P.Krishnan

For Respondents : Mr.N.Ramakrishnan,
for M/s.ARK.Law Associates
for R1 & R2
Mr.N.Muthvel,
Government Advocate
for R3 to R7

ORDER

The 6th defendant in O.S. No.286 of 2023 on the file of the learned Additional District Munsif, Poonamallee, aggrieved by dismissal of his Application in I.A. No.6 of 2024 has come forward with the present revision petition.

2. I have heard Mr.P.Krishnan, learned counsel for the petitioner and Mr.N.Ramakrishnan, for M/s.KRK.Law Associates, the learned counsel for the respondents 1 and 2 and Mr.N.Muthuvel, learned Government Advocate for the respondents 3 to 7.

3. The learned counsel for the revision petitioner would contend that the 6th defendant had sought to reject the plaint, invoking provisions of Order VII Rule 11 (a) as well as (d), to reject the plaint as there is no



cause of action for filing the suit and the suit is also barred in view of the provisions of Sections 101 & 102 of the Town and Country Planning Act, 1971. The learned counsel for the petitioner would submit that the plaintiffs viz., respondents 1 and 2 herein, have sought for relief of a permanent injunction to restrain the defendants, including the revision petitioner, from interfering with their peaceful possession and enjoyment of the suit property. According to the learned counsel for the revision petitioner, the plaintiffs have come to Court with forged documents and there is no cause of action for filing the suit and further, the reliefs that are sought for are also impermissible and cannot be granted in view of express bar under Sections 101 and 102 of Tamil Nadu Town and Country Planning Act, 1971.

4. The learned counsel for the petitioner, Mr.P.Krishnan, would refer to the prayer sought for in the plaint and taking me through the two gift deeds executed by the vendors of the plaintiffs on 04.05.2016 and 05.05.2018, in favour of the first defendant/third respondent in this revision, would state that the plaintiffs have suppressed the factum of execution of these two gift deeds and referring to boundaries in the gift deeds, the plaintiffs have constructed a compound wall on the boundary



of S.F. Nos.79 and 80 and thereby, prevented the right of access of the 6th defendant to the public road. He would also invite my attention to the direction issued by this Court in W.P. No.27652 of 2022, where the Hon'ble Division Bench of this Court had directed the Revenue Authorities to take care to preserve water channels, by order dated 17.10.2022.

5. The learned Special Government Pleader sought time to file a status report and thereafter contempt petition came to be filed in Cont.P.No.1126 of 2023 and time was extended for filing status report since it was represented by the learned Special Government Pleader that the Authority concerned had conducted an enquiry on 24.07.2023. Yet another Writ Petition came to be filed by the plaintiff W.P. No.22106 of 2023, seeking demarcation of the boundaries before implementing the notice in Na.Ka. No.3457/2022/A3 dated 20.07.2023 issued by the Commissioner, Poonamlalee Panchayat Union. The Hon'ble Division Bench by order dated 03.08.2023, directed fresh survey to be conducted by the Tahsildar, Poonamallee Taluk and further steps to be taken depending on the measurement by the Tahsildar. The said Writ Petition along with contempt petition Cont.P.No.1126 of 2023 and W.P. No.27652



of 2022, came up for hearing on 11.12.2023 and on being informed by learned State Government Pleader that the compound wall constructed on the lay out was removed on 29.09.2023 and Patta issued to Logesh and Saravanan was also cancelled, the matter was adjourned to 06.02.2024.

6. The learned counsel for the petitioner would further state in view of the above subsequent events and also the proceedings of the Tahsildar cancelling the Patta, it was only a waste of judicial time to keep the suit pending. The learned counsel would therefore seeks for rejection of the plaint, by allowing the Civil Revision Petition.

7. Per contra, Mr.N.Ramakrishnan, learned counsel for the respondents 1 &2 viz., the plaintiffs would contend that the plaintiff's Company has developed a layout and the earlier litigation was only in respect of the said Company and the property belonging to the Company which is having a separate legal existence of its own. He would however state that apart from and outside the layout, the plaintiffs in their individual capacity own lands, having purchased the same for valuable sale consideration even in the year 2019. The sale deeds in favour of the individual names of the plaintiffs is also brought to my notice. The



learned counsel Mr.N.Ramakrishnan, would therefore state that the plaintiffs were only protecting their individual property by seeking relief of permanent injunction in the suit and he had nothing to do with the earlier round of litigation viz., writ proceedings as well as the contempt petition which was all concerning the layout promoted by the Company.

8. He would further state that merely because the plaintiffs have a stake in the said Company, it does not estop them from protecting their individual/separate property. The learned counsel would also take me through the map showing the approved layout and also the documents filed in the typed set on behalf of the respondents 1 and 2, containing the photographs to fortify his contention that the pocket of 13 cents of land was available and belonging to the plaintiffs and that the suit is only in respect of this property.

9. I have carefully considered the submissions advanced by the learned counsel on either side. I have gone through the documents that have been filed in support of the respective contentions of the parties by way of separate typed-sets additionally, I have also gone through the order of Trial Court dismissing I.A. No.6 of 2024 which order is under



challenge in this revision petition.

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10. The specific case of the plaintiffs/respondents 1 and 2 in the plaint is that they are absolute owners of the suit property and that the defendants are interfering with their possession and enjoyment of the same. The plaintiffs have referred to the purchase of 1.43 cents under registered sale deed dated 20.12.2019. It is also not in dispute that the plaintiffs are Directors in M/s.SPE Homes Private Limited which had formed a layout of lands of extent of 9 acres in various Survey Numbers owned M/s.Rajkumar Impex Private Limited. It is the specific case of the plaintiffs that the properties belonging to them in their individual capacity are adjoining the boundaries of the layout formed. It appears that the layout also includes S.No.79, apart from other Survey Numbers and the suit property also comprises of land which are covered under Survey No.79-part, 116 part and 117/2 of Pidarithangal Village.

11. Admittedly, the sale deed in favour of the plaintiffs dated 20.12.2019 is in respect of various items of land, as many as 9 items comprised in various Survey Numbers including S.No.79/1A1A1A measuring 13 cents, in other words it was the case of the plaintiffs that



they have purchased 13 cents, which is comprised in S.No.79 part and in terms of Patta No.195, the new sub division assigned is S.No.79/1A1A1A. It is therefore clear that the cause of action on which, the present suit is filed is based only on the purchase made by the plaintiffs in their individual names and has got nothing to do with the purchase of the approved plots, which has been formed layout by them as Directors of M/s.SPE Homes Private Limited. When these questions of fact are arising for decision before the Trial Court, the plaint cannot be rejected at the instance of the one of the defendants on the ground that there is no cause of action and that in view of the earlier orders of the Hon'ble Division Bench of this Court and action taken subsequently by the Authorities, nothing survives for consideration in the suit. The issues like, documents that have been relied on, being forged or fabricated or that the suit is barred in view of the provisions of 101 of the Town and Country Planning Act are all issues that cannot be decided based on the plaint averments and allegations alone, which is the only available recourse to the Trial Court, while deciding an application for rejection of the plaint.



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12. The Trial Court has rightly held that on a reading of the plaint, the plaint cannot be rejected and the plaint allegations and reliefs have to be tested only by the parties adducing oral and documentary evidence, at the time of trial. The Trial Court has also found that the bar under the Town and Country Planning Act would operate only as against a public road and the layout and cannot come in the way of the plaintiffs who are only seeking to protect their separate properties which is covered by the registered sale deeds. The Trial Court has rightly dismissed the Application for rejection of the plaint and I do not find any grounds to interfere with the well considered order of the Trial Court.

13. Accordingly, this Civil Revision Petition is *dismissed.* Mr.P.Krishnan, the learned counsel appearing for the petitioner sought for necessary directions to expedite the hearing in the suit. He also brought to my notice that in the application seeking rejection of the plaint, written statement has not been filed.

14. In view of the same, the respondents are directed to file their written statement within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the Trial Court shall frame the issues and



dispose of the suit within a period of six (6) months. Consequently,
connected Miscellaneous Petition is also closed. No costs.

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22.08.2025

rkp

Index : Yes / No

Internet : Yes / No

To:

1. The Additional District Munsif,
Poonamallee.
2. The Commissioner
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Poonamallee, Chennai – 600 056.
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P.B.BALAJI, J.,

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Pre-delivery order in
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