



WEB COPY

CRP.No.2230 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 23.07.2025**

**CORAM  
THE HONOURABLE MR. JUSTICE P.B.BALAJI**

**CRP.No.2230 of 2024  
and  
CMP.No.11755 of 2024**

S.Manikandan

... Petitioner

Vs.

1. Arulmighu Pachaiaimman and Vembuliamman,  
Thirukovil Seva Trust,  
represented by P.C.Saranya,  
Managing Trustee,  
No.1, Kandappat Street,  
Choolai,  
Chennai - 600 012.
2. P.C.Saranya
3. P.C.Abirami
4. E.Sakthivel
5. N.Kumaravel
6. N.EswaraChandaravel
7. S.Muthukumaravel
8. The Commissioner,  
Greater Chennai Corporation,  
Chennai - 600 003.
9. The Chairman and Managing Director,  
Chennai Metropolitan Development Authority,  
Thalamuthu Natrajar Maligai,  
Gandhi Irwin Salai,  
Chennai - 600 008.

... Respondents



Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 12.03.2024 passed in I.A.No.1 of 2019 in O.S.No.7492 of 2019, on the file of the learned III Assistant City Civil Court, Chennai, as erroneous and thereby reject the plaint filed in O.S.No.7492 of 2019, on the file of the learned III Assistant City Civil Court, Chennai.

For Petitioner : Dr.A.Thiyagarajan  
for Mr.R.Arun Kumar Rajan

For Respondents : Mr.E.C.Ramesh  
Standing Counsel for R8 (GCC)  
: No appearance for R1 to R7 & R9

### **ORDER**

The Civil Revision Petition is filed to set aside the order dated 12.03.2024 passed in I.A.No.1 of 2019 in O.S.No.7492 of 2019, on the file of the learned III Assistant City Civil Court, Chennai, as erroneous and thereby reject the plaint filed in O.S.No.7492 of 2019, on the file of the learned III Assistant City Civil Court, Chennai.

2. The learned Standing Counsel undertakes to file vakalath for the 8th respondent.

3. The contesting first respondent has not chosen to appear either in



person or through Counsel, despite service of notice in the above revision.

WEB COPY

4. The first respondent is the plaintiff in O.S.No.7492 of 2019, before the III Assistant City Civil Court, Chennai. In the said suit, the first respondent has prayed for the following reliefs:

*"(i) to declare the sale deed in favour of the 1st defendant registered as document 394 dated 05.03.2001 is null and void.*

*(ii) to declare the planning permission given by the 3rd defendant PPA-WD-CO5-076632012 is not valid in law.*

*(iii) to grant mandatory injunction directing the defendants 2 and 3 to cancel the planning permission granted in the name of 1st defendant PTA-WD-CO5-076632012."*

5. Dr.A.Thiyagarajan, the learned Senior Counsel for the petitioner would contend that the rejection of plaint was on two legal questions. Firstly, the bar of limitation, in so far as first relief of declaration that the Sale Deed in favour of the 1st defendant is null and void and secondly, with regard to the relief challenging the planning permission, which according to the 1st defendant is to be revoked, being a bar under Section 101 of the Tamil Nadu Town and Country Planning Act, 1971. Learned Senior Counsel would also take me through the impugned order, where the trial Court without considering the core issues on which the rejection was sought for, instead proceeded to find that the parties will have to lead evidence and only



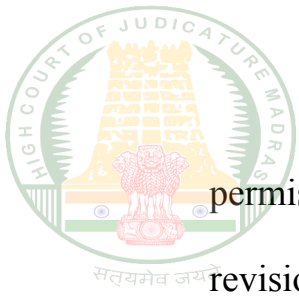
thereafter, the entitlement of the plaintiffs to the reliefs sought for in the suit can be decided.

WEB COPY

6. I have gone through the plaint in entirety and also the order of the trial Court. I have also considered the submission advanced by the learned Senior Counsel.

7. In so far as the reliefs that are already set out above, it is clear that the first prayer is the substantial relief of declaration and the other two reliefs for cancelling the planning permission and for mandatory injunction are only consequential in nature, which would be dependent on the first relief of declaration. The relief of declaration ought to have been sought within a period of three years. On a reading of the plaint and more specifically, the cause of action, the plaintiffs have not stated anywhere in the plaint that he came to know about the Sale Deed, which is sought to be challenged in the suit within a period of three years from the date of institution of suit. The plaint only states that the plaintiffs had knowledge much earlier.

8. In the light of the above, the bar of limitation clearly stares in the face of the plaintiffs. In so far as the relief of revocation of planning



WEB COPY

permission, as rightly pointed out by the learned Senior Counsel for the revision petitioner, under Section 101 of the Tamil Nadu Town and Country Planning Act, there is a remedy available to any aggrieved party to challenge the planning permission in respect of development of any property and there is specific bar of civil Courts entertaining the matter and grant injunction in respect of matters that are within the jurisdiction of the Authorities under the Act, in respect of which appeal/revision/review remedies are also made available.

9. The trial Court has not even discussed the core issues on which the rejection of plaint was sought for and instead the trial Court has focussed its attention on the entitlement of the plaintiff to the reliefs in the suit and therefore, proceeded to dismiss the application. From a reading of the plaint, it is clear that the suit for declaration is clearly beyond the period of three years as contemplated under Section 58 of Limitation Act and the consequential reliefs even though dependent on the first relief of declaration, even then there is a bar under Section 101 of the Town and Country Planning Act, which does not permit the Civil Court to take cognizance of any order or decision of the planning Authority, for which separate remedies are available under the provisions of the Town and Country Planning Act.



CRP.No.2230 of 2



WEB COPY

10. In view of the above, the Civil Revision Petition stands allowed and consequently the plaint filed in O.S.No.7492 of 2019, on the file of III Assistant City Civil Court, Chennai stands rejected. No costs. Consequently, connected miscellaneous petition is closed.

**23.07.2025**

Index: Yes/No  
Speaking Order/Non-Speaking Order

veda

To  
The III Assistant City Civil Court,  
Chennai.



WEB COPY



CRP.No.2230 of 2

**P.B.BALAJI, J.**

veda

CRP.No.2230 of 2024

23.07.2025