



CRP.No.5744 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.5744 of 2025 and

CMP.Nos.28584 of 2025

N.C.Perumal

... Petitioner

Vs.

- 1.Venkatachalam
2. V.Janardhanan
3. V.Sukumaran

4. The District Collector,
Collectorate, Salem, Salem District.

5. The District Registrar,
Office at Collectorate, Salem, Salem District.

6. The Tahsildar,
Office at Taluk Office, Mettur, Salem District.



CRP.No.5744 of 2025

7. The Sub Registrar,
Tharamangalam Sub Registrar Office, Tharamangalam,
Salem District.

8. The Village Administration Office,
Periyasoragai Village, Mettur Taluk, Salem District.

(The respondents 2 to 8 are not necessary parties
in the present Revision and they are given up)

...Respondents

PRAYER : Civil Revision Petition filed Article 227 of Constitution of India,
praying to strike off the plaint filed in O.S.No.167 of 2023 on the file of the
District Munsif Court, Mettur.

For Petitioner : Mr.P.Mani

For Respondent : Mr. V.Ramesh for R4 to R8
Government Advocate

ORDER

The civil revision petition is filed to strike off the plaint in O.S.No.167
of 2023 on the file of the District Munsif Court, Mettur.

2.The 1st respondent herein filed a suit for declaration that sale deed



CRP.No.5744 of 2025

dated 10.08.2023 executed by defendants 1 and 2/respondents 2 and 3 herein in favour of 3rd defendant/petitioner herein was null and void and for permanent injunction restraining the defendants from interfering with his alleged possession.

3. The 1st respondent/plaintiff claims that he is a cultivating tenant. The original owners of the property namely respondents 2 and 3, executed a sale deed in favour of petitioner on 10.08.2023 when 1st respondent was in physical possession and enjoyment of the suit property. It was further stated that physical possession was not handed over to the petitioner and hence, sale deed was not valid and not binding on the 1st respondent.

4. The learned counsel for the petitioner submitted that even assuming the 1st respondent is a cultivating tenant, there is no bar for the vendors of the petitioner from conveying the suit property and therefore, the cause of action averred in the plaint is illusory one and hence, the plaint filed by the 1st



CRP.No.5744 of 2025

respondent shall be struck off from the file.

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5. If the cause of action averred in the plaint is illusory one, the petitioner has effective remedy by seeking rejection of the plaint by filing application under Order VII Rule 11 of CPC. When the petitioner has effective remedy before the Trial Court seeking rejection of the plaint, this Court is not inclined to exercise its supervisory power under Article 227 of Constitution of India in view of the law laid down by the Hon'ble Apex Court in the case of Virudhunagar Nadargal Paripalan Shabha Vs., Tuticorin Educational Society, reported in MANU/SC/1365/2019.

6. Accordingly, the civil revision petition stands dismissed with liberty to the petitioner to file application for rejection of the plaint under Order VII Rule 11 of CPC. Consequently, the connected miscellaneous petition is closed.

No costs.



CRP.No.5744 of 2025

19.11.2025

Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes/No

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5/7



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CRP.No.5744 of 2025

S.SOUNTHAR, J.

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CRP.No.5744 of 2025 and
CMP.Nos.28584 of 2025



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CRP.No.5744 of 2025

19.11.2025