



C.R..P.(NPD)(MD).No.267 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(NPD)(MD)No.267 of 2025

and

C.M.P(MD) No.1582 of 2025

S.Hepsibha

... Petitioner/Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by
The District Collector,
Kanyakumari District,
Nagercoil.
2. The Executive Engineer,
Public Works Department,
Water Resources,
Pattanamkal Division,
Nagercoil, Kanyakumari District.
3. The Assistant Engineer,
Public Works Department,
Water Resources,
Pattanamkal Division,
Karungal,
Kanyakumari District.

... Respondents/Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, against the order dated 08.01.2025, passed in O.S.(SR) No.46 of 2025,



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on the file of the learned Principal District Judge, Kanyakumari District,
Nagercoil.

For Petitioner : Mr.J.John Jayakumar

For Respondents : Mr.S.P.Mahajan
Special Government Pleader

ORDER

The plaintiff in an un numbered suit in O.S.(SR)No. 46 of 2025 is the revision petitioner.

2. The plaint presented by the revision petitioner has been rejected by the trial Court even before numbering, on the ground that the plaintiff had not produced any document for all the survey numbers for which she is making a claim in the suit.

3. A perusal of the plaint prayer reveals that the plaintiff had filed the said suit for declaration of title and possession and for consequential permanent injunction over an extent of 83 cents, spread over in S.Nos.546/6, 546/4, 546/8B, 546/9, 547/13A and 553. The plaintiff had relied upon the gift deed executed by her father on 16.04.1992 which reflects only one survey



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number, namely, S.No.546/06. The patta filed along with the plaint also reflects in 546/06 in the name of the plaintiff. No document has been filed by the plaintiff to establish her right or possession over the other survey numbers mentioned in the plaint schedule. This has prompted the trial Court to reject the plaint on the ground that the plaintiff has not even made a prima facie case for numbering the suit.

4. The Court found that the plaint does not make out a cause of action for the plaintiff for filing the present suit for declaration of title and possession. This order is put to challenge in the present Civil Revision Petition.

5. According to the learned counsel appearing for the revision petitioner, the gift deed executed by the father also includes the other survey numbers and by mistake they were left out. He further contends that the trial Court ought not to have ventured into considering the merits of the plaint even before numbering the same. He further contends that the plaint could not have been rejected without issuing notice to the defendants.



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6. I have perused the plaint and the documents annexured along with the plaint.

7. Before filing the suit, the Water Resources Department has issued a notice to the plaintiff directing her to vacate from the said survey number 546/4 on the ground that it is a water body. Thereafter, the present suit has been filed for several survey numbers seeking declaration of title and possession and for a permanent injunction. The plaintiff has not filed any document to establish her right over any one of the survey number except Resurvey No.546/6. In such circumstances, this Court does not find any reason to interfere in the order of the trial Court.

8. In view of the above said deliberations, this Court is inclined to pass the following orders:

a. The learned Principal District and Sessions Judge, Kanyakumari District, Nagercoil, is directed to return the plaint to the plaintiff to delete all the survey numbers except S.No.546/6; and



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b. In case, if the plaint is presented for the relief of Resurvey No.546/6, the same shall be taken on file and may be disposed of in accordance with law.

9. With the above said observations, this Civil Revision Petition stands disposed of. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

06.02.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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- To
1. The Principal District and Sessions Court,
Kanyakumari District,
Nagercoil.
 2. The District Collector,
Kanyakumari District,
Nagercoil.
 3. The Executive Engineer,
Public Works Department,
Water Resources,
Pattanamkal Division,
Nagercoil,
Kanyakumari District.
 4. The Assistant Engineer,
Public Works Department,
Water Resources,
Pattanamkal Division,
Karungal,
Kanyakumari District.
 5. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

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