



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.03.2025

CORAM

THE HON'BLE MR. JUSTICE R.VIJAYAKUMAR

C.R.P.(NPD)(MD)No.857 of 2025

Sini

... Petitioner/Plaintiff

Vs.

1.T.Asini Sudhar,
The Village Administrative Officer,
Munchirai,
Through the Tahsildar,
Killiyoor Taluk,
Kanyakumari District,
PIN – 629 157.

2.The Tashildar,
Killiyoor Taluk,
Tholayavattam Post,
Kanyakumari District,
PIN - 629 157.

3.The District Collector,
Kanyakumari District at Nagercoil,
Agasteeswaram Taluk,
Kanyakumari District.

...Respondents/Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the order and decreetal order passed in unnumbered suit in O.S.No.../2024, CNR No.TNKKOC-000827-2024, C.F.No.18/2024 dated 07.11.2024 on the file of the Subordinate Judge, Kuzhithurai and consequently direct the learned Subordinate Judge, Kuzhithurai to number the suit with a stipulated period that may be fixed by this Court.



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C.R.P.(NPD)(MD)No.857 of 2



For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.S.P.Maharajan
Special Government Pleader
for R2 & R3

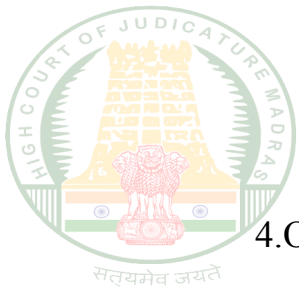
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ORDER

The plaintiff in unnumbered suit on the file of the Sub Court, Kuzhithurai, has filed the present revision petition challenging the order of rejection of the plaint by the trial Court without numbering the same.

2.A perusal of the records reveal that the suit had been filed by the revision petitioner as against the Village Administrative Officer, The Tahsildar and District Collector, seeking damages to a tune of Rs.5,00,000/- on the ground that fake patta has been issued in favour of one Vasantha. The plaint averments do not disclose whether any appeal was filed as against the order granting patta in favour of said Vasantha. In such circumstances, the trial Court had relied upon under Section 19 of the Tamil Nadu Patta Passport Act, 1983, and has rejected the plaint on the ground that such a suit as against the officers or authority is not maintainable.

3.According to the learned Counsel appearing for the revision petitioner, the authorities have granted patta without following the procedure and therefore, it is a fake patta and hence, he is entitled to file a suit claiming damages.



4.On perusal of the plaint averments, this Court is convinced that without challenging the order passed by the Tashildar, the present suit as against the officials in their personal capacity claiming damages is not maintainable and it is clearly barred under Section 19 of the Tamil Nadu Patta Passbook Act, 1983. The trial Court has rightly rejected the plaint. There are no merits in the revision petition.

5.However, this order will not be a bar for the revision petitioner to challenge the order of the Tahsildar in a manner known to law. The trial Court is directed to refund the Court fee.

6.With the above said observations, this Civil Revision Petition stands dismissed. No costs.

20.03.2025

Internet: Yes/No

Index: Yes/No

RJR

To

The learned Subordinate Judge, Kuzhithurai.

Copy to:-

The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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C.R.P.(NPD)(MD)No.857 of 2



R.VIJAYAKUMAR, J.

RJR

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