

C.R.P.(MD)No.1895 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.1895 of 2025

and

C.M.P.(MD)Nos. 10599 of 2025

A.Syed Ibrakim Sha

...Petitioner

Vs.

1.S.Angammal

2.Subramanian

3.Muthulakshmi

4.Meenambikai

5.The State of Tamilnadu,

Rep.by the District Collector,

The District Collectorate,

Sethupathi Nagar, Ramanathapuram Taluk,

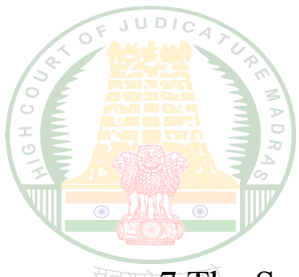
Ramanathapuram Town,

Ramanathapuram District.

6.The District Revenue Officer(Land Acquisition)

Office of Tamil Nadu Road Development Plan – II(Land Acquisition),

Trichy Taluk, Trichy Town, Trichy District.



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7.The Special Tahsildar(Land Acquisition – IV),

The Tahsildar Office,

Door No.10/3, Samasthan Pallivasal Street,

Manjula Theatre Road, Thirupathur Town,

Thirupathur Taluk,

Sivagangai District.

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to call for the records and set aside the unnumbered Docket order in O.S. Dated 03.03.2025 passed by the District Munsif Court, Mudhukulathur and direct the District Munsif Court, Mudhukalathur to number the case.

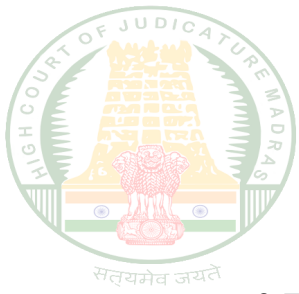
For Petitioner : Mr.C.Arulvadivel Associates

For Respondents 5 to 7 : Mr.S.Vinodh

Government Advocate

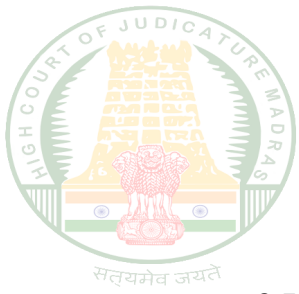
ORDER

This petition has been filed seeking to set aside the unnumbered Docket order in O.S. Dated 03.03.2025 passed by the District Munsif Court, Mudhukulathur and direct the District Munsif Court, Mudhukalathur to number the case.



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2.The petitioner claims that the disputed property which was acquired by the Government originally belonged to one Abdul Kapoor Rawther. The said Abdul Kapoor Rawther has three children namely Abdul Majeed Rawther, Mohammed Sulthan and Abdul Kathar Rawther. Out of the three, one Abdul Kathar Rawther pre-deceased and thereafter, there was a partition between the two children namely Abdul Majeed Rawther and Mohammed Sulthan. As per the partition, the petitioner's father Abdul Kapoor inherited the property from Abdul Majeed Rawther. Thereafter, the petitioner / plaintiff succeeded. However, the petitioner's shares were wrongly sold by Mohammed Sulthan in favour of one Arumugam and subsequently, the said land was acquired by the Government and thereafter, the petitioner realised that Mohammed Sulthan alienated the property without the knowledge of the petitioner. Thereby, the petitioner made an application before the Land Acquisition officials namely respondents 5 to 7. However, the same was not processed. Thereby, the petitioner filed a suit for declaration to declare the sale deed document No.3004 of 1953, on the file of District Munsif Court, Muthukulathur, as null and void and disburse the compensation in favour of the petitioner. However, the same was not numbered and the same was returned with an endorsement. Challenging the same, the present Civil Revision Petition has been filed.

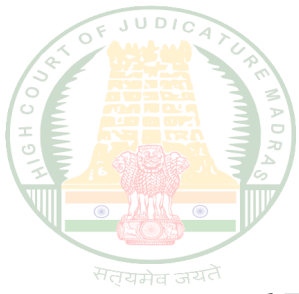


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3.Learned Counsel for the petitioner would submit that though the petitioner filed a suit for declaration to declare Document No.3004 of 1953, as null and void, however, in the earlier paragraph, the petitioner mentioned a different deed namely Doc.No.1402 of 1966 and that mistake has inadvertently happened. However, the present impugned docket order dated 27.02.2015 has been passed dismissing the prayer of the petitioner to dispense with the conditions under Section 80 (1) of CPC to issue notice to respondents 5 to 7 and take cognizance of the suit. Accordingly, he prays for appropriate orders.

4.Per contra, learned Government Advocate for the respondents 5 to 7 would submit that admittedly, the property was purchased by Arumugam in the year 1966 vide document No.1402 of 1966, whereas in the prayer portion, it is mentioned as Document No.3004 of 1953. There is no clarification either in the previous paragraph or in the subsequent paragraphs with regard to the same. Accordingly, he prays for dismissing the present Civil Revision Petition.

5.Heard the learned Counsel on either side and perused the materials available on record.



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6. The facts in the present case are not in dispute. Originally the property came to be partitioned between two brothers namely Abdul Majeed Rawther and Mohammed Sulthan. Subsequently, the petitioner's father Abdul Kapoor inherited the property from Abdul Majeed Rawther and thereafter, the petitioner / plaintiff succeeded. However, the petitioner's shares were wrongly sold by Mohammed Sulthan in favour of one Arumugam and subsequently, the said land was acquired by the Government. Thereby, the petitioner filed a suit for declaration to declare the sale deed document No.3004 of 1953, on the file of District Munsif Court, Muthukulathur, as null and void and disburse the compensation in favour of the petitioner. However, the same was not numbered and returned with an endorsement. The petitioner claims that the document number has been wrongly mentioned in the prayer, which is an inadvertent error. Even assuming that the document number is 1402 of 1966, as per Section 56 of the Limitation Act, within three years, a suit has be filed. However, the suit is filed only in the year 2025 and the petitioner has not also properly explained the issue. The petitioner has also not clarified whether the alienation was in the year 1953 or 1966. Thereby, the trial Court refused to number the suit, which need not be interfered with.



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7. Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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Internet: Yes/No

Index: Yes/No

MR



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To

- 1.The District Munsif Court,
Mudhukulathur.
- 2.The District Collector,
State of Tamilnadu,
The District Collectorate,
Sethupathi Nagar, Ramanathapuram Taluk,
Ramanathapuram Town,
Ramanathapuram District.
- 3.The District Revenue Officer(Land Acquisition)
Office of Tamil Nadu Road Development Plan – II(Land Acquisition),
Trichy Taluk, Trichy Town,
Trichy District.
- 4.The Special Tahsildar(Land Acquisition – IV),
The Tahsildar Office,
Door No.10/3, Samasthan Pallivasal Street,
Manjula Theatre Road, Thirupathur Town,
Thirupathur Taluk,
Sivagangai District.
- 5.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

MR

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