



CRP(MD). No.2260 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 20/08/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**CRP (MD). No.2260 of 2025 and
CMP(MD) No.13550 of 2025**

Karuppaiah

... Petitioner

Vs

1. Devakani

2. Sudhakar

3. The Tahsildar,,
Tahsildhar Office,
Andipatty Taluk, Andipatty,
Theni District..

4. The District Collector,
Office of District Collectorate,
Theni District..

... Respondents

PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India to strike of the plaint in O.S.No.41 of 2025 on the file of the District Munsif Court, Andipatti.

For Petitioner : Mr.J.Senthil Kumaraiah

For Respondents : Mr.B.Saravanan for R3&R4

Additional Government Pleader



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ORDER

The Civil Revision Petition for a direction to strike of the plaint in O.S.No.41 of 2025 on the file of the learned District Munsif Court, Andipatti.

2. Since no adverse orders are going to be passed against the respondents 1 and 2, notice to the respondents 1 and 2 is dispensed with.

3. The petitioner is the defendant/general public. Against the encroachment made by the respondents/plaintiffs, he preferred a representation to the official respondents for removal of encroachment and filed a writ petition before this Court in WP(MD) No.1099/2025 and this Court, by order dated 10.01.2025, directed the authorities concerned to consider the said representation and thereafter, the respondents/plaintiffs were evicted by the official respondents and hence, the respondents/plaintiffs filed a suit in OS No.41/2025 for a declaration declaring the suit schedule property belong to them and for injunction. To strike off the plaint, the petitioner is before this Court.



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4. The learned counsel for the petitioner would submit that pursuant to the direction issued by this Court, while considering the representation of the petitioner, since encroachments were found, the official respondents initiated eviction proceedings and eviction order was also passed. Aggrieved by the same, the respondents/plaintiffs filed a suit and in view of the bar under Section 14 of the Tamil Nadu Land Encroachment Act 1905, the suit is not maintainable and hence, the learned counsel prays for striking the plaint.

5. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents 3 and 4.

6. Admittedly, the respondents/plaintiffs filed a suit for declaration to declare the suit schedule property belong to them and for permanent injunction. It is their contention that such a suit filed by the respondents/plaintiffs is barred under Section 14 of the Land Encroachment Act. As per the said Act, no appeal can lie in respect of the proceedings initiated under the said Act. However, in the present



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case, the respondents/plaintiffs filed the suit for declaration declaring the said land belong to them under Order VII Rule 1 of the Code of Civil Procedure and not against the proceedings initiated under the Land Encroachment Act. If at all the petitioner is aggrieved, he is at liberty to canvass all the points before the trial Court in the pending suit. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

20.08.2025

NCC : Yes/No

Index : Yes/No

RR

TO

1.The District Munsif Court, Andipatti

2.VR Section

Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI,J

RR

**ORDER
IN
CRP(MD) No.2260 of 2025**

Date : 20/08/2025