



C.R.P(MD)No.2858 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **13.10.2025**

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

C.R.P(MD)No.2858 of 2025

Avudaiammal

Rep by Power of Attorney,
Balasubramanian

... Petitioner/Plaintiff

Vs.

1.Tamil Nadu Government,
Rep. by the District Collector,
District Collector Office,
Tirunelveli Town,
Tirunelveli District - 627 001.

2.The District Registrar,
District Registrar Office,
Palayamkottai,
Tirunelveli District.

3.The Sub Registrar,
Valliyoar Sub Registry,
Valliyoar and Post,
Radhapuram Taluk,
Tirunelveli District.

... Respondents/Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the return order dated 21.08.2025 passed by the Subordinate Court, Nanguneri in Unnumbered Plaint in



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filing No.OS/167/25 (CNR No. TNTL270002202025) and to direct the learned Subordinate Court, Nanguneri to number the plaint and take the same on file forthwith by allowing this revision petition.

For Petitioner : Mr.R.Murugan

For Respondents : Mr.F.Deepak
Special Government Pleader

ORDER

The instant Civil Revision Petition has been filed to set aside the return order dated 21.08.2025 passed by the Subordinate Court, Nanguneri in Unnumbered Plaint in filing No.OS/167/25 (CNR No. TNTL270002202025) and to direct the learned Subordinate Court, Nanguneri to number the plaint and take the same on file forthwith.

2. The plaint was originally returned pointing out the issue of jurisdiction by the Sub Judge, Valliyoor. Thereafter, the same was represented before the Sub Judge, Nanguneri. The Court below had again returned the plaint for representing the same before the appropriate Court.



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3. The learned counsel for the petitioner submits that the suit was filed for a declaration that the order passed by the District Registrar with reference to title document in Document No.346 of 2017 on the file of the Sub Judge, Valliyoor, is bad in law. When the suit was originally filed before the Sub Court, Valliyoor, the same was returned on the ground that the Court has no territorial jurisdiction, as the property was not situated within the jurisdiction of the Court. Thereafter, the suit was presented before the Sub Judge, Nanguneri, who had also returned the plaint for the very same reason. He further submits that the property is situated within the jurisdiction of Sub Registrar of Valliyoor and Nanguneri Taluk. He submits that the property is well situated within the jurisdiction of Nanguneri Taluk and therefore, the Sub Judge, Nanguneri will be the appropriate Court. He further submits that after the plaint had been taken on file, was returned indicating that the petitioner had not impleaded necessary parties to the suit and had also not sought for a prayer for declaration of the title and therefore, the suit is not maintainable. He submits that the returns as of now cannot be decided at the time of taking plaint on file. Therefore, he prays that this Court to direct the Court below to number the suit.



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4. I have considered the submissions made by the learned counsel for the petitioner and perused the materials available on record.

5. It is for the plaintiff being a dominus litus has the right to choose the parties to be impleaded as defendants in the suit and also to seek appropriate prayers. If after trial, it is found that the plaintiff had failed to implead proper and necessary parties, the suit can be dismissed for non-joinder of necessary parties. Similarly, if the plaintiff is not entitled for the relief sought because he has not prayed for an appropriate relief, the suit can be rejected. It is not for the Court to direct the plaintiff to implead necessary parties or also to direct what prayer should be asked for.

6. Hence, the returns made by the Court below are untenable and are liable to be set aside. Accordingly, the returns are set aside and the Court below is directed to take on file the plaint filed by the petitioner and process the same in accordance with law.



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7. Accordingly, this Civil Revision Petition stands ordered. There shall be no order as to costs.

13.10.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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Note:Registry is directed to return the original plaint to the learned counsel for the petitioner.

To

- 1.The District Collector,
Tamil Nadu Government,
District Collector Office,
Tirunelveli Town,
Tirunelveli District - 627 001.
- 2.The District Registrar,
District Registrar Office,
Palayamkottai, Tirunelveli District.
- 3.The Sub Registrar,
Valliyoor Sub Registry,
Valliyoor and Post,
Radhapuram Taluk,
Tirunelveli District.
- 4.The Subordinate Court, Nanguneri.
- 5.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

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K.KUMARESH BABU,J.

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