



CRP(MD). No.3636 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 02.12.2025

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THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

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1.TVS Masala Company
Rep by its Proprietor
Mr.Baskarpandi

2.Baskarpandi

... Petitioners

Vs

1.The Chairman - cum - Managing Director
Tamil Nadu Generation and Distribution Corporation Limited
Chennai.

2.The Superintending Engineer (Electrical)
Tamil Nadu Generation and Distribution Corporation Limited
Virudhunagar
Virudhunagar District.

3.Assistant Executive Engineer (AEE)
Tamil Nadu Generation and Distribution Corporation Limited
Thiruthangal
Virudhunagar District.

4.The Assistant Engineer (Electrical)
Tamil Nadu Generation and Distribution Corporation Limited
Thiruthangal
Virudhunagar District.



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5.The Executive Engineer (Electrical)
Tamil Nadu Generation and Distribution Corporation Limited
Sivakasi
Virudhunagar District.

6.The Authorised Officer
Canara Bank
ARM Branch
St. Marys Campus Circle Office
1st Floor
East Veli Street
Madurai - 625 001.

7.The Branch Manager
Canara Bank
Sivakasi.

8.The Commissioner
Virudhunagar Municipality
Virudhunagar.

... Respondents

PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the Honourable District Munsif Court, Virudhunagar to number the unnumbered e-filing C.N.R.No.TNVR0A0002432025 and filing number in O.S.No.290 of 2025 dated 01.11.2025.

For Petitioner : Mr.Lakshmi Gopinathan

ORDER

This Civil Revision Petition has been filed seeking a direction to the learned District Munsif, Virudhunagar to number the unnumbered e-



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filing C.N.R.No.TNVR0A0002432025 and filing number in O.S.No.290
of 2025 dated 01.11.2025.

2.The learned counsel for the petitioners would submit that the petitioners/plaintiffs had filed a suit in O.S.No..... of 2025 for declaration and permanent injunction before the District Munsif Court, Virudhunagar. However, the learned trial Judge, without considering the mental agony and stress undergone by the petitioners/plaintiffs, which had driven them to file the above suit for declaration and permanent injunction and without considering the facts and circumstances of the case properly had returned the plaint on 04.11.2025 on the ground of maintainability. Thereafter, with regard to the maintainability of the suit, detailed argument was made by the learned counsel for the plaintiffs on 06.11.2025 before the trial Court. However, once again, the learned trial Judge had returned the plaint on 06.11.2025 on the ground of maintainability without passing a detailed order. Challenging the same, the present Civil Revision Petition has been filed.



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3.The learned counsel for the petitioners/plaintiffs reiterated all the contentions set out in the memorandum of Civil Revision Petition and called upon this Court to set aside the impugned order and grant relief as prayed for.

4.Heard the learned counsel for the petitioners.

5.Admittedly, the suit was filed for declaration and permanent injunction before the trial Court and the same was returned on the ground of maintainability on 04.11.2025. Even though with regard to the maintainability of the suit, detailed argument was made on 06.11.2025, once again, the learned trial Judge had returned the plaint on 06.11.2025 on the ground of maintainability without passing a detailed order, which warrants interference of this Court.

6.The Hon'ble Supreme Court in *H.S.E.B. and others Vs. Ram Nath and others* reported in (2004) 5 SCC 793, had held that “the disputed question of facts cannot be decided in a writ petition, rather, for



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that, the better remedy would be before the civil Court.”. This Court in

W.A.SR.No.10857 of 2022 **(S.Ruckmani (died) and another Vs. The Tamil Nadu Electricity Board Limited, and others)**, dated 06.07.2022,

relying upon the judgment stated supra had also held as follows:-

“.....It is by referring to the judgment of the Apex Court in the case of Chairman, Grid Corporation and Orissa v. Sukamani Das and another, AIR 1999 SC 3412, wherein it was held that the disputed question of facts cannot be determined while exercising jurisdiction under Article 226 of the Constitution of India. A further reference of the judgment in the West Bengal State Electricity Board and others v. Sachin Banerjee, (1999) 9 SCC 21 was given, wherein the same issue was considered. A further reference of the judgment in the case of H.S.E.B. and others v. Ram Nath and others, (2004) 5 SCC 793 was given, wherein it was again held that the disputed question of facts cannot be decided in a writ petition, rather, for that, the better remedy would be before the civil court. Further, it is with an exception that if the facts are not controverted by the parties, then the question may be different. But in the case of S.D.O. Grid Corporation of Orissa Limited v. Timudu Oram, 2005 AIR SCW 3715, it was held that when negligence attributed to the Board is disputed, compensation in a writ petition cannot be granted. Further, reference of many other judgments was



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given to hold that the writ jurisdiction under Article 226 of the Constitution India would be available only under extraordinary circumstances. Therefore, while holding that the writ petition is not maintainable, liberty was given to the writ petitioners to avail of the remedy under common law.

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5. We do not conclude the aforesaid finding to be a final opinion of this Court keeping in mind that the said aspect of the matter is to be decided by the civil court and, accordingly, the learned Single Judge also observed that it is open to the writ petitioners to work out the remedy before the competent forum. We do not find any reason to cause interference in the order of the learned Single Judge and the writ appeal fails. Accordingly, it is dismissed. ”

7. Accordingly, this Court is of the view that it is for the Court below to number the suit and decide the same and the plaint can not be returned for maintainable. Therefore, the trial Court is directed to re-hear the petitioners afresh and pass appropriate orders on the maintainability on the suit, keeping in mind of the judgment of this Court made in W.A.SR.No.10857 of 2022 (***S.Ruckmani (died) and another Vs. The Tamil Nadu Electricity Board Limited, and others***), dated 06.07.2022.



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8.This Civil Revision Petition stands disposed of, with the above observations. No costs.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

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Note : Registry shall return the original plaint to the learned counsel for the petitioners, after getting necessary acknowledgment.

To

The District Munsif, Virudhunagar.



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N.SENTHILKUMAR, J.

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