



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-03-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 1452 of 2026

1. Sri Thatha Kasi Sadasiva Arumuga
Swamigal Temple
Rep. by its Managing Trustee,
D.Satheeswaran, No.77, Demellows
Road, Pattalam, Chennai-600 012.

Petitioner(s)

Vs

1. The Assistant Engineer
Zone-6, Division-73, Unit-17, Greater
Chennai Corporation, New Ferrance
Road, Pattalam, Chennai-600 012.

2.The Regional Deputy Commissioner
Greater Chennai Corporation, No.36B,
2nd Cross Street, Pulla Avenue, Shenoy
Nagar, Chennai - 030.

3.The Commissioner
The Greater Chennai Corporation,
Rippon Building, Chennai - 003.

Respondent(s)

PRAYER

Civil Revision Petition filed under Article 227 of Constitution of India, prays to set aside the return docket order dated 23.02.2026 made in OS SR No.2297 of 2026 on the file of the learned City Civil Judge, Chennai as illegal, and direct the learned City Civil Judge to take the plaint on file and number the suit by allowing this CRP.

For Petitioner:

Mr.R.Singgaravelan, Senior
Counsel for Mr.J.Muthu Mohan



ORDER

The revision petitioner has filed this Civil Revision petition to set aside the return docket order dated 23.02.2026 made in OS SR No.2297 of 2026 on the file of the learned City Civil Judge, Chennai as illegal, and direct the learned City Civil Judge to take the plaint on file and number the suit.

2. Challenging the maintainability of the order passed by the learned Trial Judge in returning the plaint in an unnumbered suit, the present Civil Revision Petition has been filed.

3. The learned counsel for the revision petitioner submits that the plaintiff has been in possession and enjoyment of the suit property since the year 1913 onwards. The plaintiff has been continuously in possession and enjoyment of the property by paying the requisite taxes. As on date, the plaintiff claims to be in possession and enjoyment of the property as the absolute owner. However, the respondent/Corporation, who is the first defendant, issued an eviction notice, which according to the plaintiff is not applicable to the suit property, as the property absolutely belongs to the plaintiff temple. Therefore, the plaintiff approached the Civil Court seeking the relief of declaration and other consequential reliefs.

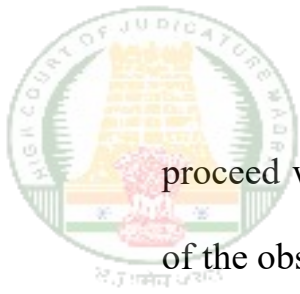


4. However, the Trial Court was not inclined to take the plaint on file and returned the same stating that the present suit is not maintainable under Section 149 of the Tamil Nadu Urban Local Bodies Act. Aggrieved by the said return, the present revision petition has been filed before this Court.

5. On a perusal of the records, it reveals that the plaintiff is a private temple claiming right and title over the suit property from the year 1913 onwards and has been in possession and enjoyment of the same. The photographs produced along with the plaint show that there is a concrete building in the suit property and the same is being enjoyed by the plaintiff. However, the second defendant has now issued a notice seeking eviction, alleging encroachment. Hence, the cause of action arose for the plaintiff to approach the Civil Court seeking appropriate relief.

6. Whether Section 149 of the Tamil Nadu Urban Local Bodies Act is applicable to the facts of the present case or not can be decided only after a full-fledged trial and not at the initial stage of numbering the plaint, especially when the plaintiff has produced certain records along with the plaint.

7. Therefore, this Court is inclined to set aside the return made by the learned Trial Judge. The learned Trial Judge is directed to take the plaint on file within a period of two weeks from the date of receipt of a copy of this order and



proceed with the suit in accordance with law, without being influenced by any of the observations made earlier.

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8. The Registry is directed to return all the original documents filed along with the plaint to the plaintiff.

9. The learned counsel for the petitioner also submitted that, during the pendency of the present revision, the respondents are attempting to evict the plaintiff and demolish the superstructure in the suit property. Since this Court has prima facie found that the suit is maintainable, any such action by the respondents would cause serious hardship to the petitioner.

10. Therefore, until the plaint is taken on file and the respondents are heard by the Trial Court, the respondents are restrained from causing any damage to the property or initiating eviction proceedings based on the impugned notice.

11. In view of the above, this Civil Revision Petition is disposed of. No costs.

10-03-2026

Index: Yes/No

Internet: Yes

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Note: Issue order copy today (i.e., 10.03.2026)



To

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Chennai Corporation, New Ferrance
Road, Pattalam, Chennai-600 012.
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2nd Cross Street, Pulla Avenue, Shenoy
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3. The Commissioner
The Greater Chennai Corporation,
Rippon Building, Chennai – 003.
4. The City Civil Judge, Chennai.
5. The Section officer, VR section,
High Court of Madras.



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T.V.THAMILSELVI J.
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