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OSA No. 63 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 15-06-2026

Pronounced on : 29.06.2026

CORAM

THE HON'BLE MR JUSTICE P. VELMURUGAN

AND

THE HON'BLE MRS.JUSTICE K. GOVINDARAJAN THILAKAVADI

OSA No. 63 of 2026

AND

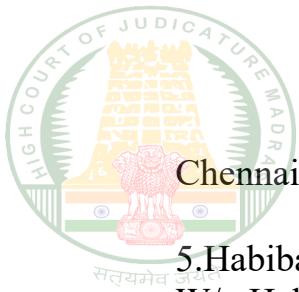
CMP NO. 7170 OF 2026

1.T.S.T.Kaznavi,
S/o.Thulkarunai,
Residing at
No.7, Sullivan Street,
Mylapore,
Santhome,
Chennai -600 004.

2.Nasi Banu,
W/o.Raffik Ahamed,
Residing at
No.7, Sullivan Street,
Mylapore,
Santhome,
Chennai -600 004.

3.Yasmin Begum,
W/o.T.S.T.Kaznavi,
Residing at
No.7, Sullivan Street,
Mylapore,
Santhome,
Chennai -600 004.

4.J.Ashrab Ali,
S/o.G.Jalaludeen,
Residing at
No.7, Sullivan Street,
Mylapore,
Santhome,



Chennai -600 004.

5.Habiba Beevi,
W/o.Habeeb Mohammed,
Residing at
No.7, Sullivan Street,
Mylapore,
Santhome,
Chennai -600 004.

..Appellants

Vs

1.The District Revenue Officer,
Collectorate Office,
No.32, Rajaji Salai,
Chennai -600 001.
2.The Kalakshetra Foundation,
Rep. by its Director,
Kalakshetra Road,
Thiruvannamiyur,
Chennai -600 041.

..Respondents

Prayer: Original Side Appeal filed under Order XXXVI, Rule(II) of the Original Side Rules, read with Clause 15 of Letters Patent praying to set aside the Order and decretal Order made in A.No.5145 of 2024 in C.S.No.204 of 2024 dated 09.12.2024 on the file of Original Side of this Court.

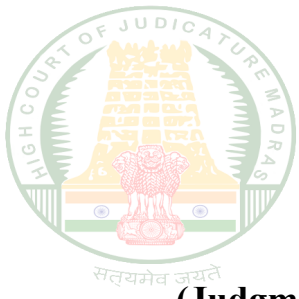
For Appellants:

Mr.R.Thiagarajan

For Respondents:

Mr. M. Hemanth Kumar
Government Counsel for R1

Mr.AR.L. Sundaresan, Senior Advocate
for Mr. S. Raghunathan for R2



Judgment

(Judgment of the Court was delivered by K.Govindarajan Thilakavadi J.)

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The present Original Side Appeal has been filed by the appellants praying to set aside the Order and decretal Order made in A.No.5145 of 2024 in C.S.No.204 of 2024 dated 09.12.2024 on the file of Original Side of this Court.

2. The appellants as plaintiffs filed a Civil Suit in C.S. No.204 of 2024 before this Court by stating as follows:

2.1. The plaintiffs acquired rights over the suit property after Punyakoti and five others failed to repay a mortgage loan of Rs.6.00 lakhs obtained in 1992. Under the mortgage terms, the mortgagees were entitled to enjoy the property's usufruct and, upon default, to transfer or sell the property. Since the loan was not repaid, the plaintiffs obtained adjudication of the mortgage deed in 2002 and had the rights of Punyakoti and others transferred to their names. They further contend that they have been in possession and enjoyment of the property, maintaining it through a watchman. Although there were attempts to amicably settle the dispute with the second defendant, Kalakshetra Foundation, including a proposal that the plaintiffs surrender 15 cents of land, the Foundation later initiated eviction proceedings by issuing a show-cause notice

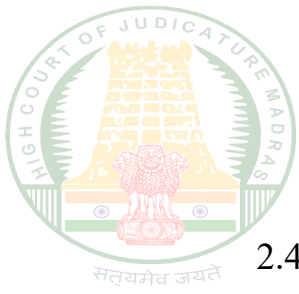


to Punyakoti and others under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

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2.2. The original owners, Punyakoti and others, challenged the eviction notice issued by the Estate Officer of Kalakshetra Foundation in a writ petition, contending that the Estate Officer lacked jurisdiction over the property. The High Court granted and later confirmed a stay against the eviction proceedings, and Kalakshetra Foundation's attempts to vacate the stay and challenge it in appeal were unsuccessful. Thereafter, Kalakshetra Foundation sought cancellation of the patta issued to the vendors of the plaintiffs. Although the vendors objected to the proceedings on grounds of limitation, the revenue authorities passed orders against them, which were upheld in revision. The vendors assured the plaintiffs that the litigation would be handled by their power agent, P.K.O. Habeeb Mohammed, who would protect the plaintiffs' interests.

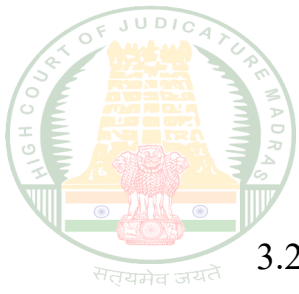
2.3. Punyakoti and five others challenged the cancellation of their patta by filing a writ petition, but it was dismissed in 2019. They then filed a writ appeal in 2020, in which the plaintiffs were impleaded as respondents. During the appeal, the Court directed the first defendant to submit a report on whether any application had been made for issuance of the patta, the proceedings under which the patta was granted, and whether Patta No. 176 dated 07.07.1978 was genuine or forged/fabricated.



2.4. Following the dismissal of the writ appeal, the Court granted liberty to the plaintiffs to pursue appropriate legal remedies before the competent forum. Consequently, the plaintiffs filed the present suit seeking (i) a declaration that the order dated 04.04.2006 cancelling the patta is illegal, void, and not binding on them, and (ii) a permanent injunction restraining the defendants from interfering with their possession and enjoyment of the suit property except in accordance with law.

3. The 2nd defendant filed an application in A.5145 of 2024 for rejection of plaint on the following grounds:

3.1. The suit is barred by limitation, tainted by fraud, and not maintainable under Order VII Rule 11 CPC. The patta obtained by Punyakodi and others was fraudulent and issued in collusion with revenue officials, leading to its cancellation by the authorities. Consequently, the transfer of patta and mutation of records in favour of the plaintiffs, based on the mortgage deed, were also declared invalid. Due notice and opportunity were given to the concerned parties before the cancellation order was passed, and verification of official records revealed discrepancies in the documents relied upon by the plaintiffs.

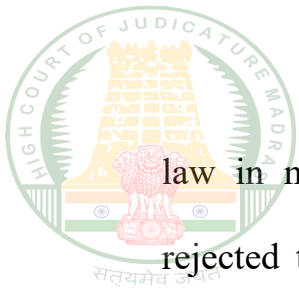


3.2. The liberty granted by the Court in the writ appeal does not create a fresh cause of action or extend the limitation period for challenging the 2006 patta cancellation order. The plaintiffs' claim is based on an unregistered mortgage deed dated 21.03.1992, which is unenforceable in law, as registration is mandatory for such a document under the Transfer of Property Act and the Registration Act. Consequently, the plaintiffs cannot claim any right under the said mortgage deed.

3.3. The second defendant contends that, though framed as a challenge to the patta cancellation order, the suit effectively seeks a declaration of title over a valuable property worth approximately ₹76 crores. It is alleged that the plaintiffs have undervalued the suit by claiming the relief is incapable of valuation and have paid inadequate court fees.

4. The learned Single Judge by the impugned order dated 09.12.2024 was pleased to allow the application and rejected the plaint. Aggrieved by the order rejecting the plaint in A.No.5145 of 2024, the present Original Side Appeal is filed.

5. Mr.R. Thiagarajan, the learned counsel for the appellants / plaintiffs would contend that the learned Judge has committed grave, manifest error of



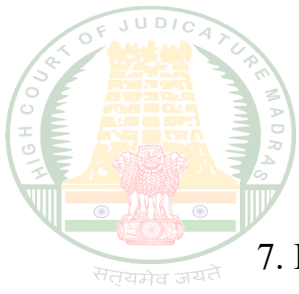
law in misconstruing the provisions of Order VII Rule 11(b) and (d) and rejected the suit. He would submit that unless the reading of the plaint it is manifestly vexatious and meritless the plaint cannot be rejected under Order 7 Rule 11 CPC. To support his contention, he has relied upon the judgement in the case of *T.Arivandandam Vs. T.V.Satyapal and Another reported in (1977) SCC 467*. He would further contend that the learned Single Judge is not expected to go into the probable defence or documents relied on by the opposite party or the written statement containing the defence, at the time of considering the application for rejection of the plaint. His further contention is that the Court is not expected to conduct a roving enquiry and cannot cut the plaint into several parts and reject the same. He would further contend that so far as Original Side of the Chartered High Court is concerned, the order VII Rule 11(b) and 11(c) is inapplicable, similarly provisions of Order 49 Rule 3(1) makes it explicitly clear that Rule 10 & 11 Clause (b) and (c) under Order VII of CPC shall not apply to any Chartered High Court. He would further contend that it could not be said that the suit is barred by limitation, as the same commences from the date of the judgment in Writ Appeal, i.e., on 21.09.2023. Further, he would submit that though writ Court normally will not entertain writ petition to adjudicate title dispute between the parties, when order is challenged on ground of want of jurisdiction, Court can entertain writ petition. In the present case, patta granted in favour of the appellant was cancelled by revenue authorities allegedly. Hence, the same was challenged before the Writ Court in



good faith. To support his contention, he has relied upon the judgment in the case of *Vishwas Footwear Company Vs, The District Collector* reported in

2011 (5) CTC 94. Hence, prayed for setting aside the order passed by the learned Single Judge in A.No.5145 of 2024 in C.S. No.204 of 2024 dated 09.12.2024.

6. On the other hand, Mr.AR.L.Sundaresan, learned Senior Advocate for Mrs.S. Raghunathan, learned counsel for the 2nd respondent / 2nd defendant would contend that the appellants had challenged the order passed by the 1st respondent herein on 04.04.2006 cancelling the patta issued in their favour is illegal, invalid and non est in the eyes of law. He would further submit that such reliefs were sought despite the fact that the appellants herein were made parties to all the proceedings including the one before the 1st respondent as well as the Revision Petition filed before the Commissioner of Land Reforms and W.P. No.22384 of 2007 and W.A. No.57 of 2020 and that after passing of the impugned order in April 2006, the appellants had not, for more than eighteen years, challenged the same until the filing of C.S. No.204 of 2024. Hence, he submitted that the suit is hopelessly barred by limitation and that only on the basis of the plaint pleadings, one can say that the suit is barred by law of limitation. Having found that the suit is barred by limitation and it is manifestly vexatious and meritless, the learned Single Judge rightly rejected the suit, warrants any interference.



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7. Heard on both sides. Records perused.

8. The question that arises for consideration in this appeal is as to whether the suit filed by the plaintiffs deserved to be nipped in the bud by rejection of plaint on the ground that the suit was barred by limitation. An application filed by the 2nd defendant in the aforesaid suit under Order VII Rule 11(d) of the Code of Civil Procedure for rejection of plaint was allowed.

9. On perusal of the impugned order, it is seen that the learned Single Judge vide the impugned order has held that the plaint suffers twin legal embargo.

Firstly, Article 58 and 59 of the Schedule to the Limitation Act, 1963.

Secondly, Proviso to Section 34 of Specific Relief Act, 1963.

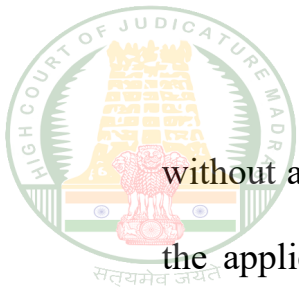
10. The learned counsel appearing on behalf of the appellants, sought to urge that the issue as to whether limitation can be a ground for rejecting a plaint under Order VII Rule 11(d) of CPC. The law on the point of nature and exercise of the jurisdiction under Order VII Rule 11 of CPC is fairly well settled. While under Order VII Rule 11(a), the plaint can be rejected where it does not disclose cause of action, under Rule 11(d), the plaint can be rejected when it is shown to be barred by any law. There was some difference of opinion as to whether 'law',



within the meaning of Order VII Rule 11(d) of CPC would include law of limitation.

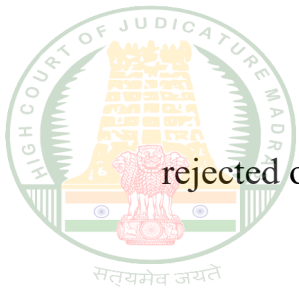
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11. In this context, it would be necessary to advert to some of the well settled principles underlying the interpretation of Order VII Rule 11 of the Code. In *Sopan Sukhdeo Sable Vs. Assistant Charity Commissioner, AIR 2004 SC 1801 : [2004(5) ALL MR 360 (S.C.)]* the Hon'ble Supreme Court held that the real object of Order 7, Rule 11 is to keep out of Courts irresponsible law suits. For the purpose of deciding an application under clauses (a) and (d) of Order 7, Rule 11, the averments in the Complaint are germane. The plea taken by the Defendant in the Written Statement would be wholly irrelevant at that stage. In exercise of its jurisdiction under Order 7, Rule 11 what is required is a meaningful and not a formal reading of the Complaint and clever drafting which creates an illusion of a cause of action ought not to detract from the jurisdiction of the Court on an application for rejection. In *Popat and Kotecha Property Vs. State Bank of India Staff Association, (2005) 7 SCC 510* the earlier judgments on the subject were revisited and the Hon'ble Supreme Court held that under Order 7, Rule 11 an independent remedy is made available to the Defendant to challenge the maintainability of the suit irrespective of his right to contest it on merits. The use of the word "shall" casts a duty on the Court to perform its obligations in rejecting the complaint when it is hit by any of the infirmities provided in the four clauses of Rule. For that purpose, the statement of claim



without addition or subtraction must show that it is barred by any law to attract the application of Order 7, Rule 11. A Bench of two Learned Judges of the

Hon'ble Supreme Court in ***Balasaria Construction (P) Ltd. Vs. Hanuman Seva Trust, (2006)5 SCC 658*** referred the question as to whether the rejection of Plaintiff on the bar of limitation is within the scope of Rule 11(d) to a larger Bench. When the case came up before a Bench of three Learned Judges, Counsel for both the parties stated that it was not the case of either side that as an absolute proposition under Order 7, Rule 11(d) that an application can never be based on the law of limitation. Both the sides stated before the Court that the impugned judgment was based on the facts of that particular case. In view of the statement, the question which was referred to a larger Bench was rendered academic and the case was sent back to the Bench for disposal on merits. Thereafter in *Balasaria Construction (P) Ltd. Vs. Hanuman Seva Trust, (2006)5 SCC 658* the Bench of two Learned Judges of the Hon'ble Supreme Court held that "the present suit could not be dismissed as barred by limitation without proper pleadings, framing of an issue of limitation and taking of evidence" Holding that the question of limitation was a mixed question of law and fact, the Hon'ble Hon'ble Supreme Court held that ex-facie in that case on a reading of the plaint, it could not be held that the suit was barred by time. However, in a subsequent decision In *Hardesh Ores (P) Ltd. Vs. Hede and Company, (2007)5 SCC 614 : [2007 ALL SCR 1995]* a Bench of two Learned Judges of the Hon'ble Hon'ble Supreme Court accepted a plea that the Plaintiff was liable to be



rejected on the ground that the claim was barred by limitation.

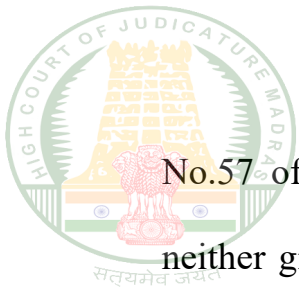
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12. Thus the principles applicable to the exercise of the discretion under Order VII Rule 11(d) of CPC regarding rejection of the plaint or otherwise, are now well settled.

13. Now, it is to be seen whether the plaint when read as a whole can said to be barred by limitation. The limitation period in the instant case would have to be ascertained, as per Article 54 of the Limitation Act. We have been taken through the plaint. We shall now advert to some of the facts stated in the plaint itself.

14. In the present suit, it was claimed that the cause of action initially arose on 09.04.1975 when the Settlement Officer, Chengalpattu, passed an order subsequently on 7.7.1978 when patta was issued in favour of Punniyakodi and others in respect of S. No.170/1B in Patta No.176 and finally on 02.07.2024, the date on which interim reply sent by the 2nd defendant to the plaintiffs' counsel.

15. The 2nd defendant filed an application under Order VII Rule 11 of CPC in the said suit, praying for the rejection of the plaint as the suit was hopelessly barred by time. It was stated that, the liberty to work out the remedy before the appropriate forum in the manner known to law granted in W.A.



No.57 of 2020 filed by Punniyakodi and others, and such observations will neither give a cause of action or limitation for the plaintiffs to file the present suit. It is contended that the period of limitation for making the prayers in the suit were clearly beyond the period of limitation. By a common order dated 09.12.2024, the learned Single Judge considered the said application and held that the suit was barred by limitation under Article 58 and 59 of the Limitation Act, 1963, and proviso to Section 34 of the Specific Relief Act, 1963, that the plaint deserve to be rejected under Order VII Rule 11(d) of CPC as being barred by the law of limitation.

16. But the plaintiffs would contend that, the cause of action for the suit commences on 21.09.2023, the date of order passed in W.A. No.57 of 2020, in which liberty was granted to the plaintiffs to work out their remedy before the appropriate forum in the manner known to law. The Hon'ble Hon'ble Supreme Court in the case of ***Popat and Kotecha Property vs. State Bank of India Staff Association*** reported in ***(2005) 7 SCC 510*** on the question of limitation has held as follows:

7. The period of limitation is founded on public policy, its aim being to secure the quiet of the community, to suppress fraud and perjury, to quicken diligence and to prevent oppression. The statute i.e. the Limitation Act is founded on the most salutary principle of general and public policy and incorporates a principle of great benefit to the

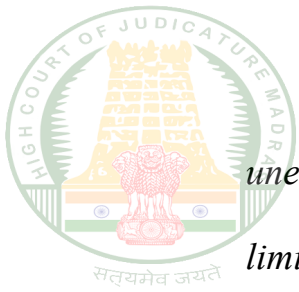


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community. It has, with great propriety, been termed a statute of repose, peace and justice. The statute discourages litigation by burying in one common receptacle all the accumulations of past times which are unexplained and have not from lapse of time become inexplicable. It has been said by John Voet, with singular felicity, that controversies are limited to a fixed period of time, lest they should be immortal while men are mortal. (Also see France B. Martins v. Mafalda Maria Teresa Rodrigues [(1999) 6 SCC 627] .)

8. Bar of limitation does not obstruct the execution. It bars the remedy. (See V. Subba Rao v. Secy. to Govt. Panchayat Raj and Rural Development, Govt. of A.P. [(1996) 7 SCC 626 : 1996 SCC (L&S) 649 : (1996) 33 ATC 341])

9. Rules of limitation are not meant to destroy the rights of parties. They are meant to see that parties do not resort to dilatory tactics, but seek their remedy promptly. The object of providing a legal remedy is to repair the damage caused by reason of legal injury. The law of limitation fixes a lifespan for such legal remedy for the redress of the legal injury so suffered. Time is precious and wasted time would never revisit. During the efflux of time, newer causes would sprout up necessitating newer persons to seek legal remedy by approaching the courts. So, a lifespan must be fixed for each remedy. Unending period for launching the remedy may lead to

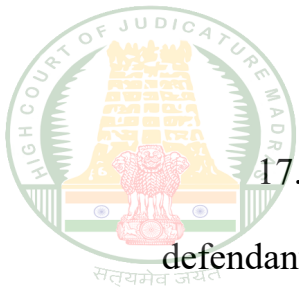


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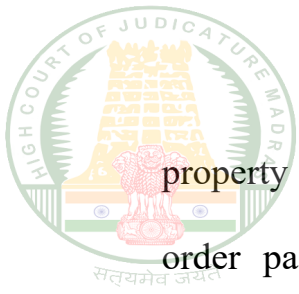
unending uncertainty and consequential anarchy. The law of limitation is thus founded on public policy. It is enshrined in the maxim interest reipublicae ut sit finis litium (it is for the general welfare that a period be put to litigation). The idea is that every legal remedy must be kept alive for legislatively fixed period of time. (See N. Balakrishnan v. M. Krishnamurthy [(1998) 7 SCC 123] .)

10. Clause (d) of Order 7 Rule 7 speaks of suit, as appears from the statement in the plaint to be barred by any law. Disputed questions cannot be decided at the time of considering an application filed under Order 7 Rule 11 CPC. Clause (d) of Rule 11 of Order 7 applies in those cases only where the statement made by the plaintiff in the plaint, without any doubt or dispute shows that the suit is barred by any law in force.

Therefore, where the statement made by the plaintiff in the plaint shows that the suit is barred by limitation under Order VII Rule 11(a) CPC, plaint can be rejected, for which it has to be seen when the right to sue initially accrued to the plaintiffs. Thus, the question for consideration in the instant case is, as to when can it be said that the cause of action arose for the plaintiffs and how the plaintiffs sought to enforce their legal rights within a period of limitation from the date of accrual of such cause of action.



17. The prayers in the suit are for declaring the order passed by the 1st defendant dated 04.04.2006 made in its proceedings J2/11617/04 cancelling the patta issued in favour of the plaintiffs as illegal, invalid and non est in the eye of law. Therefore, the date of passing the order by the 1st defendant, i.e., 04.04.2006 or atleast the date when the Writ Petition in W.P. No.22384/2007 filed, would be the reference point for calculation of limitation in the present case. The appellants had knowledge about the dispute in the title in the above said dates. Instead of filing a suit for declaration of title, they have approached the Writ Court, where title dispute cannot be resolved. Hence, they cannot seek protection even under Section 14 of the Limitation Act. The averments in the plaint relating to whatever may have transpired cannot show the extension of period of limitation. Therefore, there was no question of the period of limitation getting extended. The statement made by the plaintiffs in the plaint, without any doubt or dispute shows that the suit is barred by any law in force. The learned Single Judge has rightly held that the right to sue accrue to the plaintiffs if not on 04.04.2006, atleast when the Revision Petition was pending before the Special Commissioner and Commissioner of Land Administration and order passed on 15.03.2007 after serving notice or atleast when the Writ Petition in W.P. No.22384 of 2007 filed by Punniakodi and others through their Power Agent P.K.O. Habeeb and that the plaintiffs cannot lean on the liberty given by the Division Bench of this Court in W.A. No.57 of 2020 vide order dated 21.09.2023, which is only in so much as to the claim of right over the



property in dispute through the usufructuary mortgage and not in respect of the order passed by the District Revenue Officer cancelling the patta issued erroneously by playing fraud. Therefore, the observation made in W.A. No.57 of 2020 will neither give a cause of action nor limitation for the plaintiffs to file the present suit for declaration, to declare the proceedings of the 1st defendant dated 04.04.2006 as null and void.

18. Therefore, the plaintiffs ought to have filed the suit within a period of three years, from the date of knowledge of the proceedings before the authorities. However, the suit was filed only in the year 2024, i.e. after 18 years of the expiry of the period of limitation. A perusal of the plaint shows that an attempt is made on the part of the plaintiffs to somehow stretch the facts of the present case, so as to show as if cause of action could arise even beyond the period of 3 years from the date of the order of this Court in W.A.No.57 of 2020. Applying Article 54 of the Limitation Act, the period of limitation was triggered immediately on the date of the order passed by the 1st defendant on 04.04.2006 or atleast on the date of order passed on 15.03.2007 by the authorities as rightly pointed out by the learned Single Judge. Beyond the said period, the extension of the period of limitation as claimed by the plaintiffs is based on vague pleadings and such pleadings show that an effort is being made to somehow bring the suit within the limitation. Even if the subsequent events, as stated in the plaint, are taken into consideration, it cannot be said that the cause of action



arose for the plaintiffs by virtue of order dated 21.09.2023 in W.A. No.57 of 2020.

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19. It is also useful to refer the judgment in ***T. Arivandandam v. T.V. Satyapal & Anr., MANU/SC/0034/1977 : (1977) 4 SCC 467***, wherein while considering the very same provision, i.e. Order VII Rule 11 and the duty of the trial Court in considering such application, the Hon'ble Supreme Court has reminded the trial Judges with the following observation:

"5.The learned Munsif must remember that if on a meaningful - for formal - reading of the plaint it is manifestly vexatious, and meritless, in the sense of not disclosing a clear right to sue, he should exercise his power under Order VII, Rule 11 C.P.C. taking care to see that the ground mentioned therein is fulfilled. And if clever drafting has created the illusion of a cause of action nip it in the bud at the first hearing by examining the party searchingly under Order X, C.P.C. An activist Judge is the answer to irresponsible law suits. The trial Courts would insist imperatively on examining the party at the first hearing so that bogus litigation can be shot down at the earliest stage. The Penal Code is also resourceful enough to meet such men, (Chapter XI) and must be triggered against them....."

It is clear that if the allegations are vexatious and meritless and not



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disclosing a clear right or material(s) to sue, it is the duty of the trial Judge to exercise his power under Order VII Rule 11. If clever drafting has created the illusion of a cause of action as observed by Krishna Iyer J., in the above referred decision, it should be nipped in the bud at the first hearing by examining the parties under Order X of the Code. "

20. Therefore, the law of limitation is based on public policy wherein parties are not permitted to agitate stale claims. The parties who sleep over their rights are not entitled to knock the doors of the Court whenever they rise from their slumber. The effect of failure on the part of the plaintiff to approach the Court within the period of limitation cannot be overcome on the basis of the vague pleadings made in the plaint that have been quoted above in para 16. Once it is held that the suit filed by the plaintiff, on a plain reading of the plaint, is barred by limitation, the Court is bound to exercise power under Order 7 Rule 11(d) of the C.P.C. to reject the plaint and to ensure that the parties are not required to undergo the rigors of a full trial.

21. Therefore, on the face of plaint pleadings it is possible to hold that it is not the case which involved mixed question of law and fact requiring the parties to adduce evidence to prove the fact that the suit was



not within limitation. . In this view of the matter, the learned Single Judge was justified in rejecting the plaint on the ground of limitation.

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22. In view of the above discussions, OSA No.63 of 2026 is dismissed.

No costs. Consequently, connected miscellaneous petition is closed.

(P.V.,J.) (K.G.T.,J.)

29-06-2026

Index: Yes/No

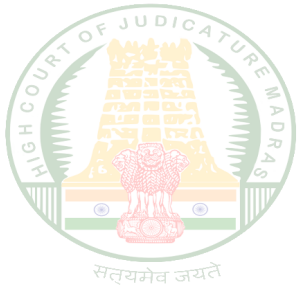
Speaking/Non-speaking order

Neutral Citation: Yes/No

BGA

To

- 1.The District Revenue Officer,
Collectorate Office,
No.32, Rajaji Salai,
Chennai -600 001.
- 2.The Kalakshetra Foundation,
Rep. by its Director,
Kalakshetra Road,
Thiruvanmiyur,
Chennai -600 041.



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OSA No. 63 of 2



**P.VELMURUGAN J.
AND
K.GOVINDARAJAN THILAKAVADI J.**

BGA

**Pre delivery judgment in
OSA No. 63 of 2026
AND
CMP NO. 7170 OF 2026**

29-06-2026