



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-02-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

SA No. 117 of 2026 & CMP No.3273 of 2026

M.Ramesh
S/o.Sampath No.18, Gandipan
Vedhachalam Street Chengalpattu
Kancheepuram District

Appellant(s)

Vs

1. S.Balaji
S/o.Sridhar No.43, Gandipan
Vedhachalam Street chengalpattu,
Kancheepuram District

2.Santhoshkannan
S/o.Gopal, NO.A9, 9th Cross street,
Anna Nagar Chengalpattu
Kancheepuram District (The 1st and
2nd respondent is the Plaintiff 1 and 3
in the suit and appellant 1 and 3 in the
First Appeal they are not interested to
contest the above SA hence they are
given up in the above SA)

3.V.Kumar
S/o.Varadappan No.87, Madurai Veeran
Koil Street Hanumanthaputheri,
Chengalpattu Taluk Kancheepuram
District

4.L.Prema
W/o.K.Babu No.26, R.V.Street,
Alagesan Nagar Chengalpattu Taluk
Kancheepuram District



5.K.Ramadoss

S/o.Kuppusamy Naidu No.25, Gandhi
Road, Chitlapakkam, Chennai-64
D.Srinivasan (Died)

6.D.Siva

S/o.P.Devarajan Thottanaval Village,
Kunnavakkam Post Uthiramerur Taluk
Kancheepuram District

7.S.Kumar

S/o.D.Srinivasan No.B44, 7th Cross
street, Annanagar Chengalpattu Taluk
Kancheepuram District

8.S.Vennila

W/o.D.Siva Thottanaval Village,
Kunnavakkam Post Uthiramerur Taluk
and Kancheepuram District

9.B.Gopi

S/o.Babu No.6, Periyar Nagar, GST
Road Chengalpattu, Kancheepuram
District

10.A.Vijayakumar

S/o.Ayyadurai 1-J, Devarajanar Street,
Vedhachala Nagar Chengalpattu,
Kancheepuram District

Respondent(s)

PRAYER : Second Appeal filed under section 100 of Code of Civil Procedure to set aside the Judgment and decree dated 03.02.2025 made in AS No.10 of 2019 on the file of learned Additional Subordinate Judge, Chengalpet by confirming the Judgment and decree dated 04.07.2017 made in IA No.914/2015 in OS No.108/2015 on the file of the learned District Munsif, Chengalpet.

For Appellant(s): Mr.T. Karunakaran

For Respondent(s): Mr.R.Thiagarajan For R3,4,6 To 11



JUDGMENT

Challenging the concurrent findings of the Court below, this Second Appeal has been filed by the plaintiffs.

2. The plaintiffs have filed a suit in O.S.No.108 of 2015 to declare that the sale deeds standing in the name of the defendants 7 to 25 as null and void. On receipt of summons, the defendants 1, 11, 13, 20 to 25 had filed an application in I.A.No.914 of 2015 to reject the plaint under Order I Rule 11 of Code of Civil Procedure. The trial Court, on hearing the submissions of both sides and considering the entire materials, held that the suit is barred by limitation and there is no cause of action for filing the suit and allowed the application, thereby rejected the plaint. Aggrieved over the same, the plaintiffs had filed an appeal in A.S.10 of 2019 wherein the first appellate Court elaborately discussing the averments in the plaint as well as the period of limitation as per the ratio laid down by the Honourable Supreme Court in cantena of judgments, confirming the findings of the trial Court, dismissed the appeal. Challenging the same, the present Second Appeal has been filed.

3. The first and third plaintiffs have not approached this Court. The second plaintiff had filed the present Second Appeal. The learned counsel appearing for the appellant would submit that the plaintiffs have filed



documents to prove that they are residents of Chengalpet and they are well wishers of the locality and they are entitled to file the suit. Whereas, the Courts below have erroneously come to the conclusion that they have no locus standi to file the suit. Further it is his contention that the suit properties were allotted for public purpose and the lands still remain vacant and it is a Government property and it cannot be purchased by the defendants 7 to 25. Therefore, till date, the municipality has not granted planning permission for construction of building and the suit properties remain vacant. On verifying the encumbrance certificate, the plaintiffs have approached this Court in time. The Courts below have erroneously come to the conclusion that the suit is barred by limitation as the suit has not been filed within three years from the date sale. It is his contention that the Courts below failed to consider that the plaintiffs have filed the suit within three years from the date of their knowledge and hence, the suit has been filed well within the time.

4. The learned counsel appearing for the respondents raised objections stating that there is no substantial question of law arises in this appeal and the Courts below have rightly held that that as the suit is barred by limitation, plaintiffs are not entitled for any relief and hence, rejected the plaint which do not require any interference.



5. Heard the learned counsel appearing for the appellant and the respondents and perused entire materials available on record.

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6. The plaintiffs claim to be well wishers of the Vedhachalam Nagar, Chengalpet locality. They sought to declare the sale deeds which are executed by the first defendant in favour of other defendants for valid consideration as null and void. The suit properties are house plots which forms part of Vedachalam Nagar. The plaintiffs claim that they are reputed people of the locality and the suit properties are meant for public purpose. It is the contention of the plaintiffs that on verification of the encumbrance, they came to know about all these encumbrances and therefore, they approached this Court to declare the sale deeds in the name of the defendants as null and void. In the plaint, they had enclosed 7 documents which are family cards and Election I.D. Cards of the plaintiffs and encumbrance certificate taken in the year 2015.

7. Immediately, after receipt of summons in the suit, the defendants have filed an application in I.A.No.914 of 2015 to reject the plaint stating that the plaintiffs are henchmen of one C.K.V.Krishnamoorthy, who instigated them to file vexatious suit as he lost his battle in writ petition filed in W.P.No.1759 of 2014 against the Commissioner of Chengalpet Municipality and others. They had also raised objection that first plaintiff is involved in a murder case and the second plaintiff is not a resident of the locality and after 15 years of execution



of the sale deeds, they had come forward with the suit as if they came to know about the sale deeds only in the year 2014.

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8. It is relevant to note that earlier the society had filed a Writ Petition in 20926 of 2008 seeking plan permit and building permit for the suit properties and this Court by an Order dated 08.11.2013 directed the Commissioner, Chengalpet Municipality to consider the decision taken earlier. As against which the Commissioner, Chengalpet Municipality had filed an appeal in W.A.No.1534 of 2014, wherein, this Court had observed as follows :

“The learned Single Judge had made certain observation with regard to the site, which was earmarked for public purpose. Merely because the appellant received application from 10 persons, who are also the occupants of the land in T.S.No.993, it cannot be said that the first respondent is also entitled to the building permit, as a matter of right. The observations made by the learned Single Judge with regard to the merits of the matter made the appellant to file the appeal.”

In the Writ Appeal, this Court granted liberty to the first respondent to submit a comprehensive application for building permit, and the appellant, viz., the Commissioner of Chengalpet Municipality, is directed to consider the application and dispose of the same on merits and as per law.



9. It is the contention of the learned counsel for the respondents that since the plaintiffs had lost their battle in the Writ Court, after expiry of 14 years they had filed the present suit, which is barred by limitation. In the plaint, the plaintiffs have contended that they had given various representations to the respondent with regard to improper sale of the suit properties. No such copy of representation has been filed along with the plaint. Admittedly, in the entire plaint averments, the plaintiffs had disputed the validity of purchase made by the defendants 7 to 25 and to declare the sale deeds of the year 2011 as null and void. Even as per the averments in the plaint, the plaintiffs are reputed persons in the locality. If really, it is true, they ought to have raised objections in the year 2001 itself, when the sale deeds have been registered. Whereas, they had filed the suit only in the year 2015 stating that they came to know about the sale only through the encumbrance certificate obtained in the year 2014 and the same is unbelievable. Hence, the suit is hopelessly barred by limitation and the trial Court rightly rejected the plaint. The first appellate Court relying on the judgment of the Honourable Supreme Court elaborately discussed about the point of limitation in paragraphs No.11, 12, 13, 14 and 16 and confirmed the findings of the trial Court, which requires no interference. Therefore, there is no substantial question of law raises in this appeal and there is no merits in this appeal.



10. Accordingly, this Second Appeal is dismissed confirming the findings of the Courts below. No costs. Consequently, connected miscellaneous petition is closed.

12-02-2026

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No

vrc
To,

1. The Additional Subordinate Judge,
Chengalpet.
2. The District Munsif,
Chengalpet.
3. The Section Officer,
VR Section, High Court, Madras.



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T.V.THAMILSELVI J.

VRC

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