



WEB COPY

CRP No. 401 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-02-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 401 of 2026

1. P.Elumalai
2. P. Gopal

..Petitioner(s)

Vs

1. The District Collector
Office of Chennai District Collectorate,
Rajaji Salai, Fourth Floor,
62,Beach Road,George Town,Chennai
600001
2. The Revenue Divisional Officer
The Revenue Divisional Office,
Gandhi Main Road,Balaji Nagar,
Puzhal,Chennai - 600 066.
3. The Tahsildar
Madhavaram Taluk Office,
Gandhi Main Road,Balaji Nagar,
Puzhal,Chennai - 600 066.

..Respondent(s)

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside impugned docket order dated 28.10.2025 passed in IA



(SR) No.467 of 2025 in OS No.26/2025 on the file of the learned District Munsiff-cum-Judicial Magistrate, Madhavaram and direct the learned Trial Court to entertain and dispose of IA (SR) No.467/2025 in OS No.26/2025 on the file of the learned District Munsif-cum-Judicial Magistrate, Madhavaram on merits.

For Petitioner(s): R.C. Sreenandha

ORDER

The civil revision petition is filed challenging the docket order passed by the Trial Court dated 28.10.2025.

2. The petitioners herein filed a suit in OS.No.26 of 2025 seeking declaration that petitioners' mother one Krishnammal deemed to have attained civil death in between the period August 2016 to July 2023. They also sought for consequential relief seeking declaration that the petitioners are legal heirs of the said Krishnammal. It is the specific case of the petitioners that their mother Krishnammal was missing from 10-08-2016. In this regard, a police complaint was preferred by the petitioners before M-2 Madhavaram Police Station on 02-09-2016. Based on the complaint of the petitioners, FIR was registered in Crime No. 782 of 2016. Since the petitioners have not been issued with any certificate by the police, they filed an application in unnumbered IA.Sr.No.467 of 2025 seeking a direction to Inspector of Police, M-2, Madhavaram Palpannai police station to submit a status report regarding the non-traceability of the petitioners' mother. The said application was returned by the trial court on 23.09.2025



raising certain objections regarding the maintainability. The petitioners represented the papers on 27.09.2025 and offered their explanation. Again, the papers were returned by the trial court on 07.10.2025 raising maintainability issue. The papers were represented by the petitioners on 27.10.2025 offering their explanation that status report by the concerned police is essential to decide the main suit. Not satisfied with the explanation offered by the petitioners, the trial court returned the papers again on 28.10.2025. Aggrieved by the same, the petitioners have come before this court.

3. It is seen from the typed set of papers that the trial court raised certain objection regarding maintainability of the petition. The petitioners offered their explanation and represented the papers. If the court is not satisfied with the explanation offered by the petitioners, the matter should have been heard in open court and the petitioners should have been afforded with an opportunity to put forth their case regarding the maintainability. Instead of following the said procedure, the court below was not justified in returning the papers again and again raising the very same objection. Therefore, the petitioners are directed to represent the IA papers within a period of two weeks from the date of receipt of a copy of this order by offering their detailed explanation on the question of maintainability. If the trial court is satisfied with the explanation offered by the petitioners, the IA shall be numbered and proceeded with in accordance with the law. If the court is not satisfied with the explanation offered by the petitioners, then the matter shall be called in open court. The petitioners shall be heard on



the question of maintainability and order shall be passed on merits with regard to the maintainability of IA.

WEB COPY

4. With this direction, the civil revision petition stands disposed of. No costs.

03-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

nr

Note: Registry is directed to return the original IA.Sr.No. 467 of 2025 papers to the learned counsel for the petitioners after substituting the same in the xerox copies.

To

1. The District Collector

Office of Chennai District Collectorate,
Rajaji Salai, Fourth Floor,
62,Beach Road,George Town,Chennai 600001

2. The Revenue Divisional Officer

The Revenue Divisional Office,
Gandhi Main Road,Balaji Nagar,
Puzhal,Chennai - 600 066.

3. The Tahsildar

Madhavaram Taluk Office,
Gandhi Main Road,Balaji Nagar,
Puzhal,Chennai - 600 066.

4. The District Munsif-cum-Judicial Magistrate, Madhavaram.



WEB COPY

CRP No. 401 of 2



S.SOUNTHAR, J.

nr

CRP No. 401 of 2026

03-02-2026