



CRP (NPD)(MD)No.510 of 2008

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 02/01/2026

CORAM

THE HONOURABLE MR JUSTICE G.K.ILANTHIRAIYAN
AND
THE HONOURABLE MR JUSTICE KRISHNAN RAMASAMY

CRP(MD)No.510 of 2008

G.Sekar

: Petitioner/Plaintiff

Vs.

1.J.Jayachandran
2.J.Selvamony
3.J.Subash
4.Lakshmanan
5.The Assistant Engineer,
WRO/PWD Irrigation Section,
Nagercoil Post & Village,
Agasteeswaram Taluk,
Kanyakumari District.

6.The State of Tamil Nadu,
Rep. By its District Collector,
Kanyakumari District,
Nagercoil Post & Village,
Agasteeswaram Taluk,
Kanyakumari District.

: Respondents/Defendants

Prayer:- This Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records pertaining to the order of return of plaint in O.S.S.R No.1324 of 2008 on the file of the Principal District Munsif, Nagercoil, dated 15/02/2008 and to set aside the same and pass such or other orders.



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For Petitioners : Mr.K.P.Narayana Kumar

For R5 and R6 : Mr.G.Suriya Ananth
Additional Government Pleader

ORDER

(Order of the Court was made by the Hon'ble **G.K.ILANTHIRAIYAN.J.**)

This Civil Revision, which has been filed against the order of return of the plaint in O.S.S.R.No.1324 of 2008 on the file of the Principal District Munsif, Nagercoil, dated 15/02/2008, is posted before us as per the Office Orders of the Hon'ble Administrative Judge of this Bench, dated 11/07/2008 by way of reference to answer the following issues:-

(i)Whether a suit for declaration of title and consequential injunction on the basis of adverse possession in respect of property belonging to the Government of local body is maintainable, in view of the express bar contained in the Tamil Nadu Land Encroachment Act, 1975 or Tamil Nadu Public Premises (Eviction of unauthorised Occupants) Act, 1975? and



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(ii) Whether Section 14 of the Tamil Nadu Land Encroachment Act, 1905 as well as Section 15 of the Tamil Nadu Public Premises Act, 1975 bars the jurisdiction of Civil Court, even with respect to a prayer regarding declaration of title on the basis of adverse possession and limitations?

2. When the matter is taken up for hearing, the learned Counsel on either side submitted that the issues referred to this Division Bench are covered by the decision rendered by the Coordinate Bench of this Court in WP No.1295 of 2009, dated 27/11/2015, following the judgment of the Full Bench of this Court in the case of ***T.K.Shanmugam Vs. The State of Tamil Nadu, reported in [2015(5) LW 397***. In view of the same, we find no infirmity in the order of return passed by the Trial Court, rejecting the plaint of the petitioners.

3. In the result, this Civil Revision is **dismissed**. No costs. However, the petitioners are at liberty to file a fresh suit for the fresh cause of action, if they are so advised, in the manner known to law. The



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Registry is directed to return the original plaint to the Counsel for the
petitioners by retaining a certified copy of the same.

(G.K.I., J.) (K.R., J.)
02-01-2026

Index: Yes/No
Internet: Yes/No
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**G.K.ILANTHIRAIYAN,J
and**

KRISHNAN RAMASAMY.J

er

To,

- 1.The Principal District Munsif,
Nagercoil,
- 2.The Section Officer,
VR/ER Section,
Madurai Bench of Madras High Court,
Madurai.

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