

C.R.P.(MD) No.1447 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2026

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.(MD) No.1447 of 2026

1.Amutha

2.Jebastine Alex

... Petitioners

vs.

P.Mani

... Respondent

PRAYER: Petition filed under Article 227 of the Constitution of India, to call for the entire records pertaining to the Docket Order dated 27.05.2026 passed by the learned Vacation Court Judge/learned Principal District Munsif, Valliyoor, Tirunelveli District by returning the plaint dated 21.05.2026 presented by the petitioners vide O.S.SR.No.9379 of 2026 on 25.05.2026 and set aside the same and consequently direct the aforesaid learned Judge to number the said civil suit and to proceed with the same in accordance with law.

For Petitioners : Mr.R.Anand

ORDER

The plaintiffs are the civil revision petitioners. They presented a suit in O.S.SR.No.9379 of 2026 for permanent injunction to restrain their neighbour from interfering with their peaceful possession and

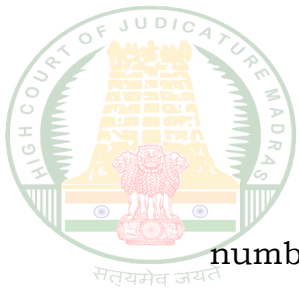


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enjoyment of the property. While drafting the plaint, they had referred to certain proceedings that had been initiated before this court on the writ jurisdiction against the Executive Officer of the local body. This has been construed by the learned Judge as being a bar for entertaining the suit for permanent injunction.

2.The plaint discloses that the plaintiffs' possession over the property, which they claim belong to them, is sought to be disturbed by the defendant by laying a sewage or a drainage channel in the eastern and northern portions of the property. They have pleaded that the defendant is doing so with the assistance of the panchayat staff. No relief has been sought for against the panchayat staff.

3.This Court in **Selvaraj Vs. Koodankulam Nuclear Power Plant India Limited represented through its Project Director, 2021 SCC Online Mad 2514**, had directed that at the stage of numbering, the Court must not enter into matters, which can be appropriately addressed only on the judicial side. Till the application is numbered, the role of the Court is only ministerial. Whether the relief sought for in the plaint is covered by the relief denied by this Court in W.P.(MD) No.18827 of 2023 can be decided only after



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numbering of the plaint and after the defendant is put on notice. Even before numbering the plaint and refuse to take the plaint on file citing the judgment might not be proper in the light of the aforesaid judgment.

4.Hence, there shall be a direction to the learned Principal District Munsif at Tirunelveli to number the plaint and issue summons to the defendant. In the event after the appearance of the defendant, the court is of the view that the relief sought for runs contrary to the order passed by this Court, it is open to the learned Principal District Munsif to invoke Order VI Rule 16(c) of the Code and to strike off the plaint as an abuse of process of law.

5.The Civil Revision Petition stands ordered. No costs.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
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15.06.2026

Note:

The original of the plaint shall be returned to Mr.R.Anand after making the usual endorsement.

To
The Principal District Munsif, Valliyoor,
Tirunelveli District

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V. LAKSHMINARAYANAN, J.

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