

IN THE COURT OF THE SUBORDINATE JUDGE, SATHYAMANGALAM.

PRESENT: Tmt.K.S.Shabeena, B.A., B.L.
Subordinate Judge, Sathyamangalam.

Thursday, the 11th day of December 2025
(2056 Thiruvalluvarandu Visuvavasu varudam Karthigai Thingal 25th day)

I.A.No.3/2025 in
OS.No.30 of 2024

Nanjundasamy Petitioner/2nd Defendant

Vs

Loordhusamy Respondent/ Plaintiff

This petition came up for final hearing before me on 27.11.2025 in the presence of Thiru.M.G.Shajukumar, Advocate for the Petitioner and for Thiru.K.Prakash Balaji, Advocate for the Respondent and upon perusing the entire case records, on hearing the arguments of both sides, and having stood over for consideration till this date, this court delivered the following:

ORDER

This is an application filed by the Petitioner/2nd Defendant under Order VII Rule 11 of the Code of Civil Procedure, 1908, seeking rejection of the plaint in O.S. No.30 of 2024.

2. Gist of the Petition:

2.1. The present petition has been filed under Order VII Rule 11 of the Code of Civil Procedure, 1908, by the Petitioner/2nd Defendant seeking rejection of the plaint in O.S. No.30 of 2024. The petitioner asserts that the suit filed by the respondent/plaintiff for (i) declaration of absolute ownership, (ii) declaration concerning Patta No.T.R.2019/0103/10/156310 dated 25.10.2019, (iii) mandatory injunction against the Tahsildar, and (iv) permanent injunction, is not maintainable and is liable to be rejected at the threshold.

2.2. The petitioner contends that the plaint does not disclose any cause of action, that the plaintiff lacks locus standi, and that the entire suit is a frivolous attempt drafted in a clever manner to create an illusion of a cause of action. The petitioner further contends that the suit is barred by the provisions of the Tamil Nadu Patta Passbook Act, 1986, particularly Sections 3(6), 7, 10(3)(b), 12, 13 and 14, and that the reliefs sought fall squarely within the bar created by the statute. It is also urged that the plaint seeks to unsettle entries that have attained finality many years ago, and therefore the suit is hopelessly barred by limitation. According to the petitioner, the plaintiff slept over his alleged rights for more than 43 years and cannot now invoke the jurisdiction of this Court.

2.3. It is the further case of the petitioner that the plaint itself reveals that the plaintiff is not in possession of the suit property, that no declaration under the Specific Relief Act has been sought in the manner contemplated, and that the civil

court's jurisdiction is expressly barred. Hence, it is prayed that the plaint be rejected under Order VII Rule 11(a) and (d) CPC as being devoid of cause of action and being barred by law.

3. Gist of the Counter:

3.1. The respondent/plaintiff has filed a detailed counter denying the allegations of the petitioner. It is stated that the suit is filed on a valid cause of action arising from a registered sale deed dated 13.08.1982 (Doc.No.424/1982) under which the plaintiff is the lawful owner. The plaintiff states that the defendants have fraudulently procured patta mutation without any lawful title and without issuing any notice to him. The fraudulent patta came to his knowledge only on 12.10.2023, upon which he immediately lodged representations and thereafter instituted the present suit.

3.2. The plaintiff asserts that the suit raises substantial issues of title, fraudulent mutation of patta, unlawful interference, and denial of civil rights, all of which are triable issues and cannot be dismissed at this preliminary stage. The plea of limitation is stated to be a mixed question of law and fact. The provisions of the Tamil Nadu Patta Passbook Act, 1986, relied upon by the petitioner, are stated to be wholly misinterpreted. It is contended that the Act does not create a bar on suits seeking declaration of title and consequential reliefs, and that Section 14 itself recognises the right of a person to institute a civil suit for declaration of rights under the Specific Relief Act against persons denying his title.

3.3. The plaintiff asserts that mere procedural requirements for reporting acquisition of property to the Tahsildar cannot extinguish substantive civil rights. The suit is said to be properly framed, maintainable, and well within limitation. It is therefore prayed that the application under Order VII Rule 11 CPC be dismissed.

4. Point for Determination

Whether the plaint in O.S. No.30 of 2024 is liable to be rejected under Order VII Rule 11(a) and (d) of the Code of Civil Procedure, 1908, on the grounds that it does not disclose a cause of action or that the suit is barred by law, particularly the Tamil Nadu Patta Passbook Act, 1986?

5. Discussion

5.1. In considering an application under Order VII Rule 11 CPC, the settled legal position is that the Court must examine only the averments in the plaint and the reliefs claimed therein. The defence taken in the written statement or in the petition cannot be looked into at this stage. A plaint may be rejected only if, on a plain and meaningful reading, it discloses no cause of action or if it is evident from the statements in the plaint itself that the suit is barred by any law.

5.2. In the plaint, the plaintiff categorically asserts that he derives title to the suit property by virtue of a registered sale deed dated 13.08.1982. He further avers that he recently discovered on 12.10.2023 that the defendants had procured patta mutation in their favour without notice to him and without any lawful title, and that such mutation interferes with his rights of ownership and enjoyment. The plaint further pleads the

circumstances under which representations were made, objections were raised, and the defendants attempted unlawful interference. These pleadings indicate that the plaintiff discloses a prima facie cause of action for declaration and consequential reliefs.

5.3. The petitioner places heavy reliance on the statutory requirements contained in the Tamil Nadu Patta Passbook Act, 1986, to contend that the suit is barred. Sections 3(6), 7, 10(3)(b), 12 and 13 relied upon by the petitioner relate to the administrative procedure for reporting acquisition of rights, making applications for patta, and appeal or revision before revenue authorities. These provisions do not oust the jurisdiction of the civil court to adjudicate questions of title, fraud, or denial of civil rights. The Act does not contain any express bar excluding the civil court's jurisdiction under Section 9 CPC.

5.4. Further, Section 14 of the Act, though restricting suits against the Government and its officers when the prayer concerns insertion, deletion or amendment of entries in the patta passbook, specifically contains a proviso recognising the right of an aggrieved person to institute a civil suit for declaration under the Specific Relief Act against persons denying his rights. The present suit does not seek a mere correction of revenue entries as an isolated relief; rather, it seeks declaration of title, declaration that the patta issued to defendants is fraudulent, and injunctions for protection of civil rights.

5.5. Thus, the bar under Section 14 does not apply to a suit of this nature. The plaintiff is not suing the Government for revenue correction alone, but asserting his

civil title against private individuals. In such circumstances, rejection of the plaint on the ground of statutory bar cannot be sustained.

5.6. The petitioner's contention that the plaintiff was inactive for 43 years and that the suit is barred by limitation is also not a matter determinable under Order VII Rule 11 CPC. The plaint states that the cause of action arose only on 12.10.2023, when the plaintiff discovered the fraudulent patta entry. Whether this allegation is true, whether reasonable diligence was exercised, and whether the suit is within limitation are all mixed questions of law and fact, requiring adjudication on evidence.

5.7. The further defence that the plaintiff is not in possession is irrelevant at this stage. A declaratory suit need not fail merely because the plaintiff asserts or admits lack of possession, particularly when there exists an allegation of unlawful interference or denial of rights.

5.8. On an overall reading, the plaint cannot be said to be vexatious, illusory, or devoid of cause of action. Nor does it appear from the plaint itself that the suit is barred by the Tamil Nadu Patta Passbook Act, 1986, or any other law. The issues raised are substantial and require full trial. Therefore, the stringent requirements of Order VII Rule 11 CPC are not satisfied.

5.9. In the light of the above discussion, this Court is of the considered view that the plaint discloses a clear cause of action, and no statutory bar is evident from its averments. The grounds urged by the petitioner pertain to disputed questions of fact

and law, which can be determined only upon trial. The prayer for rejection of the
plaint does not satisfy the conditions prescribed under Order VII Rule 11(a) and (d)
CPC.

6. RESULT:

1. **In the result**, the petition filed under Order VII Rule 11 CPC is dismissed.
2. The suit in O.S. No.30 of 2024 shall proceed on its merits.

Dictated by me to the Steno typist, typed by her in the Computer directly,
corrected and pronounced by me in open court on this the 11th day of December 2025.

Subordinate Judge,
Sathyamangalam.

Petitioners' side Witness and documents : Nil
Respondent's side Witness and document : Nil

Subordinate Judge,
Sathyamangalam.