

IN THE COURT OF ADDITIONAL DISTRICT MUNSIF AT ALANDUR.

Present: Selvi. K Aishvarya .,B.B.A.,LL.B(Hon's).,

Additional District Munsif, Alandur.

On Friday the 21st day November 2025

IA 2/2025

in

O.S.No. 50/2025

Vak Engineering (P) Ltd.,
Rep. by its Director,
Rejesh Malhotra

..... Petitioner/defendant

-Vs-

A.R.Shridharan

.....Respondent/plaintiff

This petition came up on 03.11.2025 for final hearing before me in the presence of M/s.AE Ravichandran advocate for the petitioner and Thiru.B.Sekar advocate for the respondent and upon hearing the arguments on both sides and having stood over for consideration till this date and this court made the following:

ORDER

This petition has been filed Under order VII Rule 11 R/W Section 151 of CPC to reject the plaint in OS No. 50 of 2025.

BRIEF AVERMENTS OF THE PETITION :

1. The petitioner submits that the respondent has filed O.S. No. 50 of 2025 seeking a permanent injunction restraining the defendant from alienating

or encumbering the suit property measuring 3.00 acres in T.S.No.138, Adambakkam Village. The suit is without cause of action and not maintainable in law, as the relief of injunction against alienation cannot be sought as a main relief and can arise only as an interlocutory prayer in a comprehensive suit for declaration or other substantive relief. Granting such relief would permanently restrict the defendant's right to deal with its own property, in violation of the Transfer of Property Act, Section 41(h) of the Specific Relief Act and Article 300A of the Constitution.

2. The petitioner submits that plaintiff's claim is based solely on the patta allegedly issued pursuant to the order of the Assistant Settlement Officer dated 16.06.1988. The said order has been subjected to appeal, revision and multiple writ proceedings, culminating in the order of the Commissioner of Land Administration dated 14.02.2023 rejecting the plaintiff's claim as fraudulent after finding that he had produced false documents. The Hon'ble High Court, by common order dated 27.04.2023 in W.P.No.7735 of 2023 batch, dismissed the plaintiff's writ petition, allowed the writ petition filed by the defendant, and upheld the finding of fraud. The plaintiff's SLP was dismissed as withdrawn on 01.04.2024, and patta has thereafter been issued in favour of the defendant, which fact is admitted in the plaint.

3. The petitioner submits that the plaintiff has deliberately suppressed these material and binding findings of the competent authorities and the High

Court. Though title is claimed through an alleged settlement in favour of the plaintiff's ancestor, not a single document has been filed to prove such title. The plaint also contains inconsistent averments regarding survey numbers, referring to S.No.198 which has no connection to the suit property in T.S.No.138. The plaint is thus drafted in a manner to conceal material facts and to mislead the Court.

4. The petitioner submits that the suit is based solely on the patta obtained by the plaintiff, which has been cancelled, and no document filed by the plaintiff discloses any right, title or possession over the suit property. Even assuming that any review application is pending, the plaintiff's remedy lies only before the revenue authorities, and he cannot maintain a bare suit for injunction against alienation without seeking any substantive relief. The patta now standing in the name of the defendant establishes the defendant's possession.

5. The petitioner submits that the present suit is frivolous, vexatious, barred by res judicata and a clear abuse of process of law. The plaint, by suppressing binding findings of fraud recorded by competent authorities and the High Court, does not disclose any cause of action and is aimed solely at preventing the defendant, the admitted owner, from exercising its lawful rights. The plaint is liable to be rejected at the threshold.

BRIEF AVERMENTS OF THE COUNTER :

6. The respondent submits that the suit property originally belonged to

Varadha Pillai, who settled it in favour of Punniyakoti Pillai, the respondent's great-grandfather. Punniyakoti Pillai, his son Parthasarathy Pillai, and thereafter Rajagopal Pillai alias A.P. Rajagopalan were in continuous possession and enjoyment of the suit property. The present application under Order VII Rule 11 has been filed by the petitioner on misconceived grounds of want of cause of action and bar of law, though the respondent has filed all necessary documents and has not suppressed any facts.

7. The respondent submits that the petitioner's allegation of lack of cause of action is baseless, as the plaint specifically pleads that the defendant is attempting to alienate the suit property on the strength of a patta issued subject to a pending review petition in W.P. No.11408 of 2023. Patta does not confer title, and if the defendant alienates the property pending review, irreparable hardship will be caused to the respondent. The patta dated 18.12.2024 being conditional, and the suit filed on 20.05.2025 being within limitation, the grounds raised under Sec. 11 CPC (Order VII Rule 11) are untenable.

8. The respondent submits that the petitioner's reliance on Section 41(h) of the Specific Relief Act is misconceived, as no equally efficacious remedy exists other than a suit for injunction restraining alienation of the suit property located within this Court's jurisdiction. The respondent also clarifies that the reference to S.No.198 was only a typographical error and the correct survey number is T.S.No.138 as consistently stated in the plaint.

9. The respondent submits that the proceedings relied upon by the petitioner before the Settlement Authorities relate only to patta, not title. The Settlement Officer had considered earlier documents including the 1940 District Judge sale deed and concluded that the petitioner's predecessor was not the real owner. Civil Court decrees—O.S.No.1635/1997 and O.S.No.1826/1997 (dismissed against the petitioner) and O.S.No.1714/1997 (decreed in favour of the respondent)—confirmed respondent's possession. Appeals A.S.No.28 & 29 of 2003 were dismissed, and the pending Second Appeals (S.A.No.2007–2009/2004) have been protected by a Supreme Court status quo order dated 12.05.2005, confirming respondent's possession.

10. The respondent submits that the petitioner suppressed these facts before the Settlement Authorities and the High Court and fraudulently obtained patta, which is subject to a pending review. The respondent points out that VAK Engineering's title suit O.S.No.397/2009 was dismissed, and the documents relied on by VAK Engineering (including documents from 1920–1921) did not relate to Paimash Nos.718, 721 or 722. The Settlement Officer's enquiry also found defects in the petitioner's title documents, while the respondent's family patta of 1988 stood confirmed until contrary executive orders which are now under review.

11. The respondent submits that the Division Bench order dated 14.02.2023 only held that "patta follows title" and declared the lands as "Anadheenam"

until title is decided by a competent Civil Court. The respondent had filed an SLP, but owing to financial constraints withdrew it. A review has been filed before the High Court on 02.01.2025 and is pending. Meanwhile, earlier civil decrees in favour of the respondent remain in force, and the pending Second Appeals sustain the respondent's possession and rights.

12. The respondent submits that the plaintiff has clearly pleaded cause of action, including reference to O.S.No.1635/1997, O.S.No.1826/1997, O.S.No.1714/1997, the appeals A.S.No.27–29/2003 and the pending Second Appeals. The suit is filed within limitation, contains all necessary particulars, and no fact has been suppressed. The suit for injunction is maintainable in the present circumstances, and the petitioner/defendant must establish title only in full-fledged trial. Hence, the petition under Order VII Rule 11 deserves dismissal.

Points for determination:

13. Whether the Petition filed Under order VII Rule 11 R/W Section 151 of CPC to reject the plaint in OS No. 50 of 2025 to be allowed or not?

14. DISCUSSION AND DECISION

14.1. The learned counsel for the petitioner contended that present suit in O.S. No. 50/2025 is without cause of action as the plaintiff does not produce any document establish his right over the suit property and the relief sought in the suit permanent injunction not to alienate the suit property is not maintainable

and is barred by law as is against the Art.300A of the Constitution of India and such prayer could not be sought as primary relief. Hence the plaint is liable to be rejected. To substantiate his contention he relied on the following cases:

1. D.Umamaheswari and another Vs P.Murugesan reported in CDJ 2020 MHC4227.
2. The order of the Hon'ble High Court of Madras dated 04.12.2024 in M/s.Tri Power Enterprises (Pvt) Ltd Vs Selvam Aruldoss and others in CRP.No.2481/2023 and CMP.No.15412/2023.

14.2. Per contra, the learned counsel for the respondent contended that the petitioner's allegation of lack of cause of action is baseless, as the plaint specifically pleads that the defendant is attempting to alienate the suit property on the strength of a patta issued subject to a pending review petition in W.P. No.11408 of 2023. Patta does not confer title, and if the defendant alienates the property pending review, irreparable hardship will be caused to the respondent. The patta dated 18.12.2024 being conditional, and the suit filed on 20.05.2025 being within limitation, the grounds raised under Sec. 11 CPC (Order VII Rule 11) are untenable.

14.3. At the outset, it is settled law that while deciding an application under Order VII Rule 11 of the Code of Civil Procedure, the Court must determine whether the plaint is liable to be rejected on any of the six grounds enumerated therein, and must not go beyond the plaint averments and documents filed along

with the plaint. It was contended that the present case falls under Order VII Rule 11(a) as the cause of action is not disclosed and (d) as the suit is barred by law.

14.4. The cause of action denotes the existence of a right to sue. It is a well-settled proposition that for rejection of the plaint under Order VII Rule 11(a) CPC, it must be clearly established that the plaint does not disclose any legally sustainable cause of action for the relief sought. Further, while considering an application under Order VII Rule 11, only the averments in the plaint and the documents filed along with the plaint, which form part thereof, can be looked into.

14.5. In the present case, on a careful reading of the plaint, relief sought in the suit is for a decree of permanent injunction restraining the defendant from alienating the suit schedule property. The plaintiff asserts that the suit schedule property originally belonged to Varadha Pillai, who settled the same in favour of Punniyakoti Pillai, the plaintiff's great-grandfather, and that after his demise, the plaintiff claims to be in possession and enjoyment of the property. It is also averred that patta was granted in his favour by the Settlement Officer on 20.07.2021 pursuant to the directions issued in W.P.No.7890 of 2007. The Commissioner of Land Administration, by order dated 14.02.2023, observed that patta shall be granted only to a party who establishes title before a competent Civil Court. Against the said order, W.P.No.11186 of 2023 was filed

by the defendant, which came to be dismissed, while W.P.No.11408 of 2023 was allowed. A review petition has been filed by the plaintiff. It is further stated that during the pendency of the review, the Revenue Divisional Officer issued a patta dated 18.12.2024 in favour of the defendant, subject to the outcome of the said review.

14.6. However, on an overall reading of the plaint, this Court finds that the plaint does not disclose the essential cause of action for the present relief. Except for a general assertion regarding the alleged settlement in favour of the plaintiff's predecessor, there is no clear pleading as to how the plaintiff derives his right, title, or ownership over the suit schedule property, so as to sustain the relief now sought.

14.7. Though the plaint contains references to various litigations between the parties, those proceedings predominantly concern issues relating to possession. Mere reference to a series of litigations, without specific averments of the plaintiff's own enforceable right or title, does not constitute a cause of action for the relief of permanent injunction against alienation.

14.8. On perusal of the documents filed with the plaint, this Court finds that the plaintiff has only produced certain judgments, orders, and pattas. These documents, by themselves, do not prima facie establish the plaintiff's right or title over the suit schedule property. No title deed or primary document evidencing ownership has been placed on record.

14.9.The relief sought in the suit is for a decree of permanent injunction restraining the defendant from alienating the suit schedule property. In the absence of a properly pleaded foundation regarding the plaintiff's right or title, the plaint fails to disclose a cause of action for the relief claimed.

The Hon'ble Supreme Court in *Dahiben v. Arvinbhai Kalyanji Bhansali*, 2020 SCC OnLine SC 563, held that:

“ 13. “Cause of action” means every fact which would be necessary for the plaintiff to prove, if traversed, in order to support his right to judgment. It consists of a bundle of material facts, which are necessary for the plaintiff to prove in order to entitle him to the reliefs claimed in the suit.

In Swamy Atmanand v. Sri Ramakrishna Tapovanam reported in (2005) 10 SCC 51 this Court held :

“24. A cause of action, thus, means every fact, which if traversed, it would be necessary for the plaintiff to prove in order to support his right to a judgment of the court. In other words, it is a bundle of facts, which taken with the law applicable to them gives the plaintiff a right to relief against the defendant. It must include some act done by the defendant since in the absence of such an act, no cause of action can possibly accrue. It is not limited to the actual infringement of the right sued on but includes all the material facts on which it is founded”

(emphasis supplied)

In T. Arivanandam v. T.V. Satyapal & Anr. Reported in (1977) 4 SCC 467 this Court held that while considering an application under Order VII Rule 11 CPC what is required to be decided is whether the plaint discloses a real cause of action, or something purely illusory, in the following words : -

“5. ...The learned Munsiff must remember that if on a meaningful – not formal – reading of the plaint it is manifestly vexatious, and meritless, in the sense of not disclosing a clear right to sue, he should exercise his power under O. VII, R. 11, C.P.C. taking care to see that the ground mentioned therein is fulfilled. And, if clever drafting has created the illusion of a cause of action, nip it in the bud at the first hearing ...”
(emphasis supplied)

Subsequently, in I.T.C. Ltd. v. Debt Recovery Appellate Tribunal, reported in (1998) 2 SCC 170 this Court held that law cannot permit clever drafting which creates illusions of a cause of action. What is required is that a clear right must be made out in the plaint.

If, however, by clever drafting of the plaint, it has created the illusion of a cause of action, this Court in Madanuri Sri Ramachandra Murthy v. Syed Jalal reported in (2017) 13 SCC 174 held that it should be nipped in the bud, so that bogus litigation will end at the earliest stage.

The Court must be vigilant against any camouflage or suppression, and determine whether the litigation is utterly vexatious, and an abuse of the

process of the court.”

14.10. Furthermore, the relief sought is also barred by Sec. 41 (h) of Specific Relief Act. The Hon’ble High Court of Madras in *S. Umamaheshwari v. P. Murugesan* reported in 2021 (2) CTC 167 has held that

“ The matter can be approached in a slightly different angle also. What would be the effect of a decree for injunction if granted in these suits. There will be a perenial permanent injunction restraining the defendants from alienating their property. It will be a direct invasion by the Court on the a right to property protected under Article 300A of the Constitution of India because right to property includes a right to alienate the property.

A prayer for restraint on alienation can be an interlocutory prayer in a suit for partition or specific performance or a suit seeking a declaratory relief. A restraint of alienation for a limited period could be granted to avoid multiplicity of proceedings. But in a case where the plaintiff can initiate the appropriate legal proceeding to obtain a larger relief and refuses to do so, the said plaintiff cannot be favoured with a decree for permanent injunction that too restraining the alienation. The intention of the legislature behind the provisions of the Specific Relief Act as well as the C.P.C., is to prevent multiplicity of proceedings. While Order 2 Rule 2 of C.P.C., mandates the plaintiff to sue for all the reliefs and prohibits him or her from claiming the reliefs omitted to be

sought for at a later point of time. Proviso to Section 34 of the Specific Relief Act debars the plaintiff from claiming the relief of declaration alone without seeking a further relief where he or she is in a position to seek such further relief and Section 41(h) of the Specific Relief Act restrains the Court from granting an injunction when the plaintiff can sue for a larger relief.”

14.12. Therefore, this Court taking into consideration aforementioned discussion is of view the plaint does not disclose the cause of action and is barred by law.

15. In the result, the petition is allowed and no order as to the cost.

Directly typed by me on my laptop, formatted by the typist, corrected and pronounced by me in the open court, on this 21st day of November 2025.

Additional District Munsif,
Alandur

List of Exhibits Petitioner/Respondent side :Nil

Additional District Munsif
Alandur.