



CRP.No.3080 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

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Date : 22.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR
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1.Anjugam

2.Vignesh

... Petitioners

Versus

1.Malarkodi

2.The District Collector

Cuddalore District, Cuddalore

3.The Revenue Divisional Officer

Cuddalore Revenue Division, Cuddalore District

4. The Tahsildar

Cuddalore District

5.The Surveyor

Cuddalore

6. The Deputy Inspector General of Registration

Thirupapuliur, Cuddalore District

7.The District Registrar

Thirupapuliur, Cuddalore District

8.The Joint II Sub Registrar

Thirupapuliur, Cuddalore District

... Respondents



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PRAYER : Petition filed under Section 115 of Code of Civil Procedure, to call for the records pertaining to unnumbered O.S.No. of 2025 (TNCDD03000470-2025) vide order dated 28.04.2025 passed by the learned Principal Subordinate Judge, Cuddalore and set aside the same.

For petitioners : Ms.A.Nethra
Mr.K.Gandhi Kumar
For respondents : Mr.T.Arunkumar for R2 to R8
Additional Government Pleader

ORDER

Challenge has been made to the order of the Trial Court rejecting the plaint even without numbering, the present revision has been filed.

2. The suit has been filed for declaration and for consequential injunction and also for a declaration to declare certain revenue orders as null and void. The plaintiff has in fact proceeded with the suit on the basis of certain documents executed in her favour particularly settlement deed. The Trial Court even without numbering the suit rejected the suit on the ground that the relief sought as against the revenue officials in c, d & e is not maintainable. Challenging the said rejection, the present revision has been filed by the revision petitioner/plaintiff.

3. Considering the nature of revision filed before this Court, this Court



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is inclined to dispose of this revision in the admission stage itself. Heard the learned counsel for the petitioner and perused the materials placed on record.

4. At the outset, this Court is of the view that normally rejection order is also deemed to be a "decree", however, the rejection has not been made as stipulated under Order VII Rule 11 of Code of Civil Procedure to enable to the parties to file an appeal. Even without numbering the suit, the Trial Court has acted as a defendant and rejected the suit which in the opinion of this Court is per se illegal. When the plaintiff has filed declaration and also for a declaration against the revenue officials to annul their orders, this Court is of the view that the Trial Court at the threshold cannot reject the suit when the main relief itself is with regard to the right over the immovable properties, the Civil Court has every right to decide the title. Such being the position, rejecting the suit in the initial stage in view of this Court cannot be sustained in the eye of law.

5. Such view of the matter, the impugned order stands set aside and the



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Trial Court is directed to take the plaint on its file, number the suit and dispose of the same on its own merits. The Registry is directed to return the original papers and the same shall be represented before the Court below within a period of two weeks from the date of receipt of a copy of this Order.

6. Accordingly, this revision stands allowed. No costs.

22.07.2025

Index : Yes / No

Internet: Yes

Speaking/non speaking order
dhk

To

1. The Principal Subordinate Judge
Principal Subordinate Court, Cuddalore

2.The Section Officer
VR Section, Madras High Court

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