



CRP No.5791 of 20--



IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 26.11.2025

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.No.5791 of 2025

R.Giriraj

... Petitioner

Vs.

1. The Member Secretary
Chennai Metropolitan Development Authority,
Thalamuthu-Natarajan Maaligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

2. The Chief Executive Officer,
Chennai Metropolitan Development Authority,
Thalamuthu-Natarajan Maaligai,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

3.Senior Estate Officer,
Chennai Metropolitan Development Authority,
Thalamuthu-Natarajan Maaligai,

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No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.

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4. The Chief Administrative Officer,
Market Management Committee,
Koyambedu Wholesale Market Complex,
Koyambedu, Chennai-600 092.

5.Kandasamy

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the order dated 19.07.2025 passed by I Assistant City Civil Court in O.S.SR No.897 of 2025.

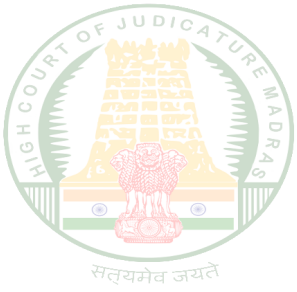
For Petitioner : Mrs.P.R.Umamaheswari

For Respondents : Mr.V.Sudalai Selvan
Standing Counsel
For R.1 to R.3
Ms.P.Veena Suresh
For R.4

ORDER

The petitioner challenges the reject of the plaint under Order VII Rule 11 of the Civil Procedure Code even at the stage of numbering the suit.

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WEB COPY 2. It is the specific contention of the revision petitioner/plaintiff that the plaintiff asserts to be in physical possession of the property and claims under the registered power of attorney and that even in the writ proceedings, it was the plaintiff who represented the fifth defendant.

3. Be that as it may, the Court while entertaining a suit at the per-institution stage, is only performing ministerial functions and cannot assume the role of a Judge and pass judicial orders. Even without numbering the suit, the Court ought not to have invoked Order VII Rule 11 of Civil Procedure Code and proceeded to reject the plaint.

4. This Court has issued series of directions in the case of *Selvaraj and others vs Koodankulam Nuclear Power Plant Indian Ltd* reported in *2021 SCC Online Mad 2514*, to be followed by the trial Courts, while taking up the applications or suits at the stage of numbering. It is settled law



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that while numbering the civil suit, the Court will only perform a ministerial act and not a judicial function. The trial court was not required to conduct any roving enquiry unilaterally and proceed to reject the plaint. It is always open to the defendants to come up with a request for rejection of plaint, if at all the suit is barred by any of the provisions of Law.

5. There is clear violation of the said directions issued by this Court.

As already indicated above, the trial Court ought not to have gone into the merits of the plaint averments and allegations and certainly rejected the plaint invoking Order VII Rule 11 of Civil Procedure Code.

P.B. BALAJI,J

sr

6. In view of the above, I am inclined to set aside the order dated 19.07.2025 in OS SR No.897 of 2025. Accordingly, the order passed by I
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Assistant Judge, City Civil Court, Chennai dated 19.07.2025 in OS SR

WEB COPY No.897 of 2025 is set aside and the civil revision petition is allowed.

7. The trial court shall number the suit if it is otherwise conforming the requirements of the plaint under Order VII of the Civil Procedure Code and and it is open to the defendant, if so advised, to take out any application for rejection of the plaint. No costs.

26.11.2025

Neutral Citation: Yes/No

Speaking Order/Non-speaking Order

Index : Yes / No

sr

To

The I Assistant Judge, City Civil Court, Chennai

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