

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON
09.04.2026PRONOUNCED ON
30.04.2026

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THE HON'BLE MR.JUSTICE K.KUMARESH BABU

CRP No. 123 of 2021
and CMP.No.1148 of 2021

1. The State Of Tamilnadu
Rep By Its Collector, Dharmapuri District.
2. The Tahsildar, Pennagaram
Dharmapuri District.
3. The Village Administrative Officer
Perumpalai Village, Pennagaram, Dharmapuri
District.

..Petitioner(s)

Vs

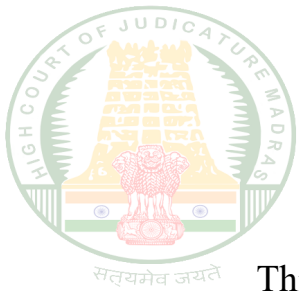
Raji, aged about 60 years
S/o. Duraisamy, Perumpalai Post And Village,
Pennagaram, Dharmapuri.

..Respondent(s)

PRAYER:- Civil Miscellaneous Appeal filed under Article 227 of the Constitution of India, to allow the above CRP by setting aside the Order dated 03.01.2020 passed by the Honble District Munsiff & Judicial Magistrate Pennagaram, Dharmapuri District by allowing IA No.407 of 2019 in OS No.40 of 2019.

For Petitioner(s): Mr.M.Murali
Government Pleader

For Respondent(s): No appearance



ORDER

This Civil Revision Petition has been filed challenging the order dated 03.01.2020 passed by the Honble District Munsiff & Judicial Magistrate Pennagaram, Dharmapuri District

2. Heard the Learned Government Advocate appearing on behalf of the petitioners. In spite of notice on the respondents, the Respondent had not entered appearance, nor is present before this court and has been called absent and is set *ex parte*.

3. The Learned Government Advocate would contend that the Respondent held an instituted a suit against the petitioners from in any manner evicting him from the suit property, except with the due process of law. As against the respondent, who is the plaintiff in the suit, prior notices under the Land Encroachment had been issued, under Section 7 and Section 6 of the Land Encroachment Act, 1905 and that as per Section 14 of the said Act, there is a bar of jurisdiction of the Civil Court to try such cases. He would submit that the Respondent, in suppressing the notices issued to him, had instituted the present suit. The respondents have taken an application under Order VII Rule 11, seeking to reject this suit as it is being barred by law, in which the notices issued to the Respondent/Plaintiff was also placed on record as exhibits.



4. The court below, refusing to take the documents filed by the petitioner, had held that the plaint discloses the cause of action and documents laid outside the plaint cannot be taken to reject the plaint. He would submit that the entire suit itself is an abuse of process by suppressing various materials and Trial of the suit would only be a waste of judicial time. As the suit itself is an abusive process as is barred by the provisions of the Land Encroachment Act, 1905. Hence he seeks indulgence of this court.

5. I have considered the submissions made by the Learned Government Advocate and perused the materials on record.

6. It is true that a plaint can be rejected only if the plaint discloses no cause of action, barred by law and time. A reading of the plaint would indicate that the respondent/plaintiff had not claimed title unto himself, but had admitted to have purchased the property from a third party, along with the Natham land, and had pleaded adverse possession. But however, he had not sought to seek a prayer for declaration of title on the basis of his adverse possession. The Court has refused to look into the exhibits which has brought on record particularly the notices issued under Section 6 and 7 of the Act, which would itself show that the Respondent had approached the court with unclean hands to seek a relief by abusing the process of court. Such a litigant who had approached the court cannot be granted any relief whatsoever.



7. This court finds the suit to be wholly an abuse of process of court and on that ground itself the suit is liable to be struck off. It is also to be noted that the proceedings initiated under the Land Encroachment Act was much prior to the filing of the suit. These factors have been failed to be taken note of by the lower court in rejecting the said application.

8. For the aforesaid reasons, the revision petition stands allowed and the order made in IA No.407 of 2019 in OS No.40 of 2019 is set aside, and accordingly the plaint stands rejected. Consequently the connected Miscellaneous petition stands closed. No order as to costs.

30.04.2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

GBA

To

1. The District Munsiff & Judicial Magistrate
Pennagaram, Dharmapuri District.
2. The Section Officer,
VR Section,
Madras High Court,
Chennai.



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K.KUMARESH BABU, J.

GBA

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