IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.12.2015

CORAM

THE HONOURABLE Ms. JUSTICE R.MALA

C.R.P.(PD).No.4640 of 2015
and M.P.No.1 of 2015

1.K.R.Duraisamy
2.G.Senthil Kumar
3.M.Devaraj ..Petitioners

/vs/

1.S.Selvaraj
2.K.P.Vasudevan
3.K.N.Kailasam
4.K.T.Sampath Kumar
5.K.M.Subramani

6.State of Tamil Nadu,
The District Collector,
Erode District, Perundurai Road,
Erode – 11.

7.The Revenue Divisional Officer,
Borough Road, Erode – 1.

8.The Tahsildar,
Erode Taluk,
Pa.Se Park, Erode-1.

9.P.Vasudevan ..Respondents

PRAYER :Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 23.09.2015 made in

I.A.No.223 of 2015 in O.S.No.503 of 2013 on the file of the II Additional District Munsif Court, Erode.

For Petitioner : Mr.Vasugiramanan

O R D E R

This Civil Revision Petition has been filed against the order dated 23.09.2015 made in I.A.No.223 of 2015 in O.S.No.503 of 2013 on the file of the II Additional District Munsif Court, Erode.

2.The petitioner as a plaintiff filed a suit in O.S.No.503 of 2013 for permanent injunction restraining the Government Officials and their subordinates from closing the suit well. The defendants filed the written statement and contested the suit. during the pendency of the suit, the respondents 1 to 5 herein filed an application to implead themselves as parties to the proceeding stating that the suit well is situated in the Natham Poromboke which is in dilapidated condition and caused inconvenience to the public who pass through that place. Hence, they approached the Government Officials to close the said well and on that basis, Rs.1 Lakh was sanctioned to close the suit well. The Trial Court after considering the objections raised by the petitioner herein allowed the application. Against which, the present Civil Revision Petition has been filed.

3.At the time of admission, argument of the learned counsel for the petitioner is heard in length.

4.Learned counsel for the petitioner submitted that no relief has been sought for against the respondents 1 to 5 and hence, there is no necessity to implead them as parties to the proceedings. But during his argument, he fairly conceded that they have filed an application under Order I Rule 8 CPC, there representation was accepted and that application was allowed. However, he prayed for an order.

5.Considered the submissions made by the learned counsel for the petitioner and perused the typed set of papers.

6.The petitioner as a plaintiff filed a suit for injunction restraining the Government Officials, viz., District Collector, Revenue Divisional Officer, Tahsildar and their men, subordinate, agents from closing the suit well. According to the petitioner/plaintiff a portion of the suit well is situated in the Natham Poromboke but whether it is in use or in a dilapidated condition has to be decided only at the time of trial. It is the case that already the villagers have given a representation before the Revenue authorities and after making

inspection, the revenue authorities have sanctioned Rs.1 Lakh for closing the suit well. At this juncture, the plaintiff filed the present suit without impleading the villagers on whose request the respondents 6 to 8 has passed an order for closing the suit well and also sanctioned Rs.1 Lakh. Furthermore, the respondents 1 to 5 have also filed documents to prove that the property is situated in the Natham Poromboke and also letters and photographs also shows that the suit well is not in use and it is in a dilapidated condition which cuase inconvenience to the villagers who pass through. In such circumstances, I am of the view that disposing the suit, the presence of the villagers is necessary since their interest is involved in the case. Hence, I do not find any reason to interfere with the finding of the Trial Court and the impugned order passed by the Trial Court is hereby confirmed. Consequently, the Civil Revision Petition is hereby dismissed.

7.In the result, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

11.12.2015

Index: Yes/No
Internet:Yes/No
cse

To

The II Additional District Munsif Court, Erode.

R.MALA, J.

cse

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and M.P.No.1 of 2015

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