

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2016

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

CRP(PD)Nos.2110 and 2111 of 2016

Villagers of Mathanaickenpatty Colony

represented by

1. Balakrishnan
2. Arthanari
3. Madhu
4. Manickam
5. Pachamuthu
6. Mani

... Petitioners

Versus

1. Angamuthu
2. Murugan
3. The Government of Tamil Nadu
Rep. by the District Collector
Collectorate Building,
Salem – 636 001.

4. The Tahsildar,
Taluk Office
Mettur Taluk & Town
Salem District.

5. Karuppan

... Respondents

Prayer in CRP(PD)No.2110 of 2016: Civil Revision Petition filed under Article 227 of the Constitution of India, against the petition and order dated 09.06.2016 made in I.A.No.380 of 2016 in O.S.No.76 of 2012 on the file of the District Munsif Court at Mettur.

Prayer in CRP(PD)No.2111 of 2016: Civil Revision Petition filed under Article 227 of the Constitution of India, against the petition and order dated 09.06.2016 made in I.A.No.381 of 2016 in O.S.No.76 of 2012 on the file of the District Munsif Court at Mettur.

For Petitioner	:	Mr.P.Valliappan
For R1 and R2	:	M/s.T.K.S.Bharathy Anadraj
For R3 and R4	:	No appearance
For R5	:	No appearance

COMMON ORDER

The petitioners filed a suit in O.S.No.76 of 2012 before the District Munsif Court, Mellur, for declaration and injunction. The petitioners have taken up a contention that patta was wrongly issued in favour of the predecessor in interest of the respondents. The petitioners initially called upon the respondents to produce the patta issued in the year 1982. Since the respondents pleaded that they are not in possession of the patta, the petitioners filed applications seeking permission to summon the Tahsildhar to produce the patta and to give evidence. The applications were dismissed by the trial Court primarily on the ground that Village Administrative Officer has already been examined and as such, there is no need to examine the Tahsildar. Feeling aggrieved, the petitioners are before this Court.

2. Heard the learned counsel for the petitioners and the learned counsel appearing for the respondents.

3. The petitioners have taken up a specific contention in the suit that the predecessor in interest of the respondents managed to obtain patta in respect of a Promoboke land, which was used by the local people for community purpose. Admittedly, the respondents failed to produce the

patta. The respondents have taken up a contention that they are not in possession of the patta. The petitioners were therefore perfectly correct in making a request before the Trial Court to examine the Tahsildar. Merely because, the Village Administrative Officer was early examined as a witness at the instance of the petitioners, it cannot be said that they are not entitled to summon the Tahsildar to produce the patta and to give evidence to the effect that patta was granted to the predecessor in interest of the respondents. I am therefore of the view that the trial Court was not correct in dismissing the applications filed by the petitioners.

4. In the result, the orders dated 09.06.2016 in I.A.Nos.380 and 381 of 2016 in O.S.No.76 of 2012 are set aside. The application Nos.380 and 381 of 2016 are allowed as prayed for. The Civil Revision Petitions are allowed as indicated above. No costs.

03.11.2016

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To

1. The District Munsif Court,
Mettur.

K.K.SASIDHARAN, J.

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CRP(PD)Nos.2110 and 2111 of 2016

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