

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Monday, the Twenty Third day of October Two Thousand Seventeen

PRESENT

THE HON`BLE MR JUSTICE K.K.SASIDHARAN

and

THE HON`BLE MR JUSTICE P.VELMURUGAN

CMP.No.8969 of 2017

in WA.No.404 of 2016

1 DR.K.S.RAMAKRISHNA [PETITIONERS]

2 RADHA NIDUMOLU,

3 VIJAY NIDUMOLU,

Vs

S.SETHURAMAN (DECEASED) [RESPONDENTS]

1.MRS.S.GEETHA,

2 MR.PRABHU SETHURAMAN,

3 MRS.PRIYA ROBSON,

4 MRS.PRABHA SUBRAMANIAN,

5 THE PRINCIPAL COMMISSIONER AND
COMMISSIONER OF LAND REFORMS,
CHEPAUK, CHENNAI 5

6 THE ASSISTANT COMMISSIONER
(URBAN LAND CELLING) ARCOT ROAD,
KODAMBAKKAM, CHENNAI 24

7 THE TAHSILDAR,
MYLAPORE TRIPLICANE TK, CH - 4

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Implead the petitioners herein as respondents 4 to 6 in WA No.404 of 2016(in CMP.No.8969/2017)

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.S.RAJASEKAR, Advocate for the petitioner and of M/S.S.K.RAGHUL VIVEK, Advocate for the 1 to 4 respondents and of M/S.V.ANANTHAMOORTHY, Advocate for the 5 to 7 respondents the court made the following order:-

(Order of the Court was made by K.K.SASIDHARAN, J.)

This petition is filed by the agreement holders in respect of the land covered by the proceedings initiated by the Government under the Tamil Nadu Urban Land (Ceiling and Regulation) Act, to implead them as parties to the intra court appeal filed by their Principal, challenging the order dated 12 January 2016 in W.P.No.25636 of 2008, dismissing the Writ Petition filed for a declaration that the land owned by them does not attract the provisions of the Tamil Nadu Urban Land (Ceiling and Regulation) Act.

2. We have heard the learned counsel for the parties.

3. According to the petitioners, the property, which is the subject matter of this intra court appeal, was purchased by them from respondents 4 to 6. Since patta was not produced by the vendors, the sale deed could not be registered. The petitioners were informed that on account of certain issues relating to the land ceiling proceedings, patta could not be obtained. In the meantime, the petitioners were informed that respondents 4 to 6 filed a Writ Petition in W.P.No.25636 of 2008 for a declaration that the property would not attract the provisions of the Tamil Nadu Urban Land (Ceiling & Regulation) Act. The Writ Petition was dismissed. The suit filed by the petitioners for specific performance in C.S.No.225 of 2014 is pending before this Court. According to the petitioners, they are necessary parties and as such, they should be impleaded in the pending intra court appeal filed by the respondents 4 to 6.

4. The only question that arises for consideration in the appeal is whether the respondents 4 to 6 are entitled for a declaration that their property is not the subject matter of proceedings under the Tamil Nadu Urban Land (Ceiling and Regulation) Act.

5. The petitioners admittedly are subsequent purchasers. The petitioners are neither proper nor necessary parties for an effective adjudication of the matter. The petitioners have already filed a civil suit and the said suit is said to be pending. The scope of appellate proceedings cannot be enlarged at the instance of subsequent purchasers. The principal is already before this Court. The petitioners cannot be heard to say that respondents 4 to 6 would not conduct the litigation effectively. In any case, it is for the respondents 4 to 6 to prosecute their appeal and not the petitioners in their capacity as the agreement holders. We are therefore of the view that there is absolutely no merit in the case pleaded by the petitioners.

6. The petitioners are not necessary parties for deciding the *lis* involved in this appeal.

7. In the upshot, we dismiss the civil miscellaneous petition. No costs.

-sd/-
23/10/2017

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL COMMISSIONER AND
COMMISSIONER OF LAND REFORMS,
CHEPAUK, CHENNAI 5

2 THE ASSISTANT COMMISSIONER
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KODAMBAKKAM, CHENNAI 24

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MYLAPORE TRIPLICANE TK, CHENNAI - 4

C.C. to M/S.S.RAJASEKAR Advocate on payment of necessary charges

C.C. to M/S.S.K.RAGHUL VIVEK, Advocate on payment of necessary charges

C.C. to M/M/S.V.ANANTHAMOORTHY, Advocate on payment of necessary charges

Order

in
CMP.8969/2017

in
WA.404/2016

Date :23/10/2017

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