

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 04.09.2017

Coram:

The Honourable Ms.**Justice V.M.VELUMANI**

C.R.P.(PD)No.1187 of 2010
and M.P.1 of 2010

1. N.Dravidamani
2. Rajagopal

Petitioners

Vs.

1. K.M.Subramanian
2. The District Collector,
Perambalur
3. The Revenue Divisional Officer,
Ariyalur.
4. The Tahsildar,
Ariyalur.

Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 16.04.2008 made in I.A.No.534 of 2005 in O.S.No.136 of 2005 on the file of the Additional District Munisif Court, Ariyalur.

For Petitioners : Mr.R.Raja Ramani

For Respondents : Mr.R.Arunmozhi for R1

Mr. T.Jayaramaraj
Government Advocate (CS)
For RR2 to R4

ORDER

This Civil Revision Petition is filed against the fair and decretal order dated 16.04.2008 made in I.A.No.534 of 2005 in O.S.No.136 of 2005 on the file of the Additional District Munisif Court, Ariyalur.

2. The petitioners are the third parties, the 1st respondent is the plaintiff and respondents 2 to 4 are the defendants in O.S.No.534 of 2005. The first respondent filed the suit for declaration and for injunction restraining the official respondents 2 to 4, their men, servants and agents in any manner interfering with the peaceful possession and enjoyment over the suit property. The petitioners filed Interlocutory Application in I.A.No.534 of 2005 for impleading them as defendants 4 and 5.

3. According to the petitioners, the suit property is a Government Poramboke and it does not belong to first respondent. The petitioners and others were in possession and enjoyment of the property and also stated that they are not encroachers of the suit property. As per the assurance given by the respondents 2 to 4 that the lands, after removing encroachment would be allotted to the landless poor as house site, the petitioners and others surrendered

the possession and given statement before the 4th respondent. The respondents 2 to 4, in collusion with first respondent will not conduct the case properly and the petitioners are necessary and proper parties to contest the case.

4. The respondents 1 and 4 have filed separate counter affidavit and submitted that the petitioners do not have any right in the suit property and only at the instigation of one Sethu, the petitioners have come out with present petition. The suit property is Natham Poramboke and only the first respondent has right over the same.

5. The learned Judge, considering the averments made in affidavit, counter affidavit and materials available on record, dismissed the application by holding that the suit property is Nathan Poramboke only and it belongs to the first respondent and the petitioners do not have any right in the suit property and the petitioners are not the necessary and proper parties to the suit.

6. Against the order of dismissal dated 16.04.2008 made in I.A.No.534 of 2005, the present Civil Revision Petition is filed.

7. Heard the learned counsel for the petitioners as well as respondents and perused the materials available on record.

8. From the materials available on record, it is seen that the petitioners seek to implead themselves as defendants 4 and 5 in the suit on the ground that the respondents 2 to 4 have given assurance to them as well as to other encroachers that after removing the encroachment in the suit property, it will be allotted to the landless poor as house sites including petitioners. The petitioners have not produced any documents and not substantiated that the respondents 2 to 4 would convert the suit property as house site and allot the same to the landless poor. They have not produced any document to show that they would be given house site patta.

9. The learned Judge, considering the above facts and also the issue in the suit whether suit property belongs to first respondent or to respondents 2 and 4, dismissed the application by giving cogent and valid reasons. In the circumstances, there is no illegality or irregularity warranting interference by this Court with the order of the learned trial Judge, dated 16.04.2008.

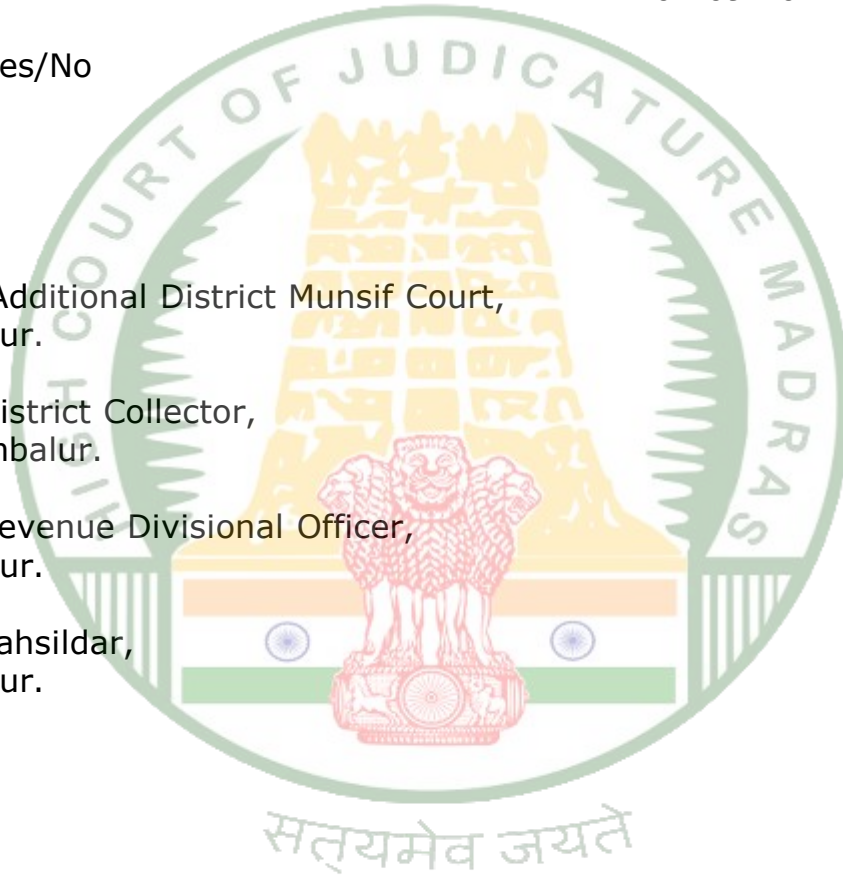
10. In the result, the Civil Revision Petition is dismissed. No costs. Consequently connected Miscellaneous Petition is also closed.

04.09.2017

Index: Yes/No
rgr

To

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V.M.VELUMANI, J.

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