

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **28.06.2017**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) No.2855/2013

P.Mani : Petitioner

versus

1.S.M.Krishnaveni

2.S.Jeyalakshmi

3.P.Elayagopal

4.P.Mohan

5.G.Anbarasi

6.P.Menaka

7.S.Poongadi

8.K.Vijayalakshmi

9.T.Balasubramanian

10.State of Tamil Nadu,
rep. By District Collector, Erode

11.District Revenue Officer,
Revenue Department, Erode : Respondents

PRAYER: Revision filed against the fair and decreetal orde of II Additional District Munsif, Erode, dated 5.2.2013 in unnumbered C.F.R.No.15879 of 2012 in O.S.No.731 of 2010.

For petitioner :: Mr.P.Valliappan

For respondents :: Mr.S.Kaithamalai Kumaran

ORDER

The respondents 1 to 9 filed a civil suit for declaration and injunction in O.S.No.731 of 2010 before the II Additional District Munsif, Erode. In the said suit, the petitioner was impleaded as the fifth defendant. The petitioner thereafter filed an application to implead the District Collector and Revenue Divisional Officer as respondents 10 and 11. The application was dismissed by the Trial Court. The said order is under challenge in this civil revision petition.

2. Heard the learned counsel for the petitioner and the learned counsel for the 6th respondent.

3. The petitioner filed an application for impleading the District Collector and Revenue Divisional Officer on the ground that patta proceedings are pending before the authorities. There is no question of impleading third parties in a suit filed by respondents 1 to 9 for declaration and injunction. In case the petitioner wanted to stall the pending proceeding before the statutory authority, it is always open to him to take appropriate proceedings in the manner known to law. The remedy is not to file an application in a suit filed by a third party. I am therefore of the view that the Trial Court was justified in dismissing the application.

4. In the upshot, I dismiss the civil revision petition. No costs.
Consequently, M.P.No.1 of 2013 is dismissed.

28.06.2017

Index:Yes/no
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To
The II Additional District Munsif, Erode

K.K.SASIDHARAN, J.

(tar)

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