



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.11.2017

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (PD) (MD) No.1891 of 2017

and

C.M.P. (MD) .No.9809 of 2017

C.Sundar Raj : Petitioner/Petitioner/Plaintiff

Vs.

1.A.Natesan : 1st Respondent / 1st Respondent /
1st Defendant

2. The Village Administrative Officer,
Killiyoor Village,
Vilavancode Taluk,
Kanyakumari District.

3. The Tahsildar,
Vilavancode Taluk,
Kuzhithurai Post,
Kanyakumari District.

4. The District Collector,
K.P.Road, Nagercoil,
Agasteeswaram Taluk,
Kanyakumari District. : Respondents 2 to 4/ Respondents 2 to 4
Proposed Defendants 2 to 4

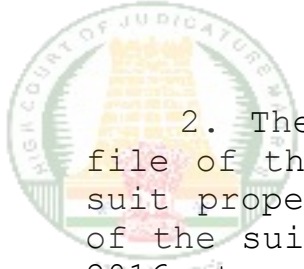
PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 01.07.2017 passed in I.A.No.619 of 2016 in O.S.No.87 of 2011, on the file of the learned Subordinate Court, Kuzhithurai, Kanyakumari District.

For Petitioner : Mr.G.Ramanathan

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O R D E R

The above Civil Revision Petition has been filed challenging the order passed in I.A.No.619 of 2016 in O.S.No.87 of 2011, dated 01.07.2017, by the learned Subordinate Judge, Kuzhithurai, Kanyakumari District.



2. The petitioner filed a suit in O.S.No.87 of 2011, on the file of the Subordinate Court, Kuzhithurai for demarcation of the suit property and for permanent injunction. During the pendency of the suit, the petitioner filed an application in I.A.No.619 of 2016 to implead the Village Administrative Officer and the District Collector as party defendants in the suit. According to him, the revenue records are manipulated in favour of the defendant. The petitioner would also submit that the extent of the schedule property is also altered in patta, chitta and tax receipts and the said mistake came to the knowledge of the plaintiff, only after commencement of trial. Therefore, he has filed the petition for impleading the necessary parties as defendants in the suit.

3. After hearing both sides, the trial Court dismissed the application, against which, the present Civil Revision Petition is filed.

4. Heard the learned Counsel for the petitioner and perused the materials available on record.

5. On perusal of the records, it is seen that the suit has been filed as early as in the year 2011 and the trial has been commenced in the year 2013 and after a period of four years, the petitioner has come forward with the present petition for impleading the parties. As rightly pointed out by the trial Court that plaint "A" and "B" schedule properties are patta lands and in such suit, neither the State nor the officers of the State are necessary parties and the trial has already been commenced.

6. The trial Court has further found that the petitioner filed the suit for demarcation and the petitioner wants to demarcate the southern boundary of "A" schedule property as per resurvey plan and the question has to be considered is as to whether the respondent/defendant tried to remove the old boundary and tried to erect a new boundary by encroaching a portion of plaint A schedule property. Further, regarding the allegation that the defendant manipulated the revenue records in his favour, the petitioner has not raised any allegation in the petition. If the petitioner feels that there is manipulation of revenue records, he has to approach the higher authorities. The petitioner has not sought any prayer with regard to the manipulation of revenue records in the present suit. He has also not filed any application to amend the plaint in respect of the additional reliefs. Under such circumstances, the relief sought for by the petitioner cannot be granted. The trial has rightly found that there is need to implead the official defendants as party defendants in the suit. There is no irregularity or illegality in the order passed by the trial Court and hence, there is no need to interfere in the order passed by this Court. Hence, this Civil Revision Petition is liable to be dismissed.



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

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Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

The Subordinate Judge, Kuzhithurai,
Kanyakumari District.

+1cc to Mr.G.Ramanathan, Advocate Sr.No.84858

SSL/VSG

VB/SKN/RSK/SAR1/10/11/2017/3P/3C

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