

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2018

CORAM

THE HON'BLE MR. JUSTICE **D. KRISHNAKUMAR**CRP.(PD).No.26 of 2018
and CMP.No.75 of 2018Sivakami (died)
1.Eswaramoorthy

2.Nandhakumar

3.Gnanasekar

.. Petitioners

Vs.

1.Paniyampalli Village Panchayat
Represented by its President,
Chennimalai,
Perundurai Taluk,
Erode District.

2.Senthilkumar

3.The State of Tamilnadu
Rep. by the District Collector,
Erode District,
Erode-638 011.4.The Assistant Director of Panchayats,
Collectorate,
Erode 638 011,
Erode District.5.The Block Development Officer,
Chennimalai,
Perundurai Taluk,
Erode District.

.. Respondents

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 17.06.2017 made in I.A.No.184 of 2017 in O.S.No.127 of 2007 on the file of the learned District Munsif cum Judicial Magistrate, Perundurai.

For petitioners : Mr.N.Manokaran

ORDER

The revision petitioners have filed a suit in OS.No.127 of 2007 for mandatory injunction against the first and second respondents. When the case is posted for arguments, the revision petitioners have filed the instant application to implead the respondents 3 to 5 herein as defendants in the aforesaid suit. The said application was dismissed. Therefore, the revision petitioners have filed the present Civil Revision Petition before this Court.

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2. The learned counsel for the revision petitioners would submit that the first respondent panchayat / the first defendant was represented by its President in the suit. Since the tenure of the President is completed, now the administration of the above

panchayat is conducted by the Officers attached to the respondents 3 to 5 herein/ the proposed respondents. The said fact was not considered by the court below. Therefore, the order of the court below is liable to be set aside.

3. On perusal of the impugned order in IA.No.184 of 2017, it is seen that the revision petitioners have chosen to file the instant application to implead the respondents 3 to 5 as party to the said suit at the stage of arguments on the ground the tenure of the first defendant / first respondent herein has expired and therefore, the said suit has to be contested by the competent authority as defendants in the said suit. The revision petitioners have chosen to implead Officials of the Government Departments as party as respondents / defendants 4 and 5 in the suit. But on the aforesaid reason, Government Departments cannot be impleaded as party at the stage of arguments. However, the revision petitioners can file an appropriate application or memo before the court below to amend the cause title in so far as the first respondent is concerned and if any such application or memo to implead the fifth respondent herein namely the Block Development Officer, Chennimalai as party in the said suit, is filed by the revision petitioners, the learned District Munsif cum Judicial Magistrate, Perundurai is directed to

consider the said application or memo and pass appropriate order in accordance with law.

4. In view of the above facts and circumstances of the case, the Civil Revision Petition fails and the same is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

08.01.2018

Speaking / Non Speaking order
Index :Yes/No
Internet :Yes/No
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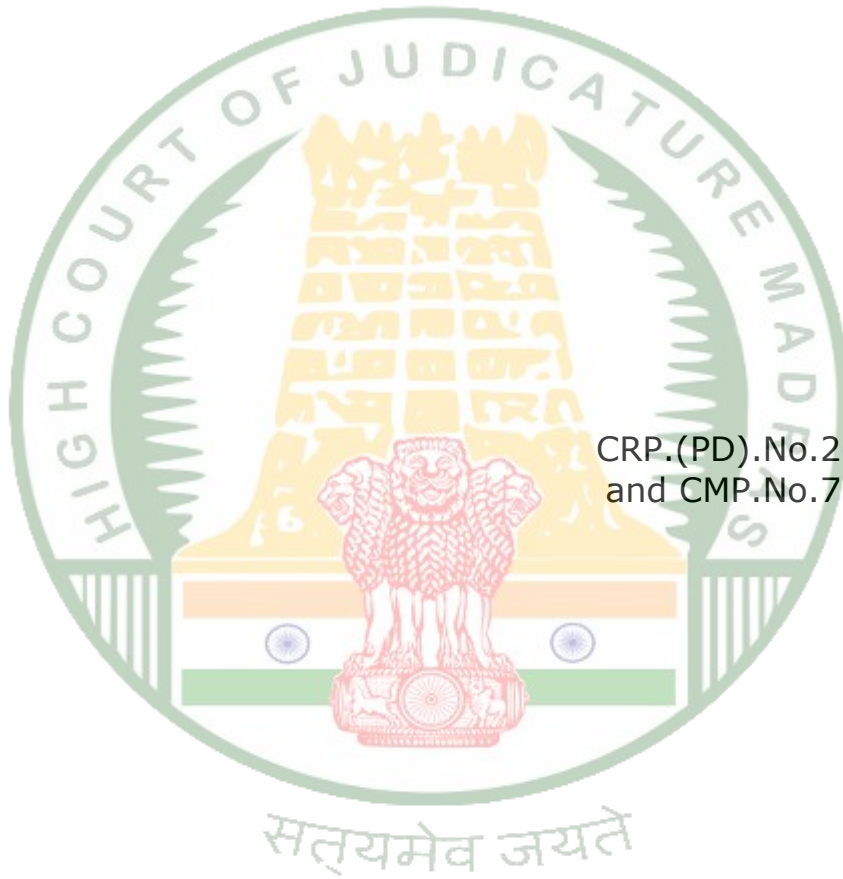
To
The learned District Munsif
cum Judicial Magistrate,
Perundurai



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D.KRISHNAKUMAR.J,

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