

IN THE HIGH COURT OF JUDICATURE AT MADRAS**Dated : 04.12.2018****CORAM :****THE HONOURABLE MR. JUSTICE M.S.RAMESH****CRP.(PD).No.3105 of 2018****and****C.M.P.No.17923 of 2018**

M/s.Indian Auto Gas Company Ltd.,
rep. by its Chief Executive Officer,
Mr.S.M.Antony Thomas,
No.3/88, Mount Poonamallee Road,
Ramapuram,
Chennai-600 089.

.. Petitioner

V.

1.K.Radha Lakshmi

2.K.Bala Boopathy

3.The Revenue Secretary,
Revenue Department,
Government of Tamil Nadu,
Secretariat, St. Fort George,
Chennai-600 009.

4.The Commissioner and Commissioner
of Land Reforms,
Government of Tamil Nadu,
Ezhilagam,
Kamarajar Salai,
Chennai-600 005.

5.The District Collector,
Collector Office,
Thiruvallur District,
Thiruvallur-602 001.

6.The Tahsildar,
Maduravoyal Taluk,
Thiruvallur District,
Maduravoyal,
Chennai-600 095.

7.The Assistant Commissioner (U.L.T),
Kundrathur Division,
Urban Land Ceiling,
No.163, Karuneegar Street,
Adambakkam,
Chennai-600 088.

.. Respondent

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed by the learned Sub Ordinate Judge, Poonamallee, Chennai-600 056 in E.A.No.174 of 2017 in E.P.No.02 of 2014 in O.S.No.281 of 2010, dated 29.08.2018.

For Petitioner : Mr.A.Ramaswamy

For Caveator : Mr.P.Subba Reddy

ORDER

सत्यमेव जयते

The petitioner herein is a judgment debtor, who have filed an application before the Execution Court under Order 1 Rule 10 of the Civil Procedure Code to implead the Revenue Officials of the Government as party respondents. Rejection of the said application is under challenge in the present revision.

2.Heard Mr.A.Ramaswamy, learned counsel for the petitioner and Mr.P.Subba Reddy, learned counsel for the Caveator.

3.The learned counsel for the petitioner submits that the property in question is vested with the Government and that the respondent herein has no right or title over the same and as such, the Government is a necessary party. Hence, the Execution Court was not correct in rejecting the petitioner's application. According to him, the question with regard to the title is settled by the Hon'ble Apex Court conferring that the property is vested with the Government.

4.The learned counsel for the respondents on the other hand submitted that they are the title owners of the subject property and they have all the right and title over the same. He would also submit that the Government is not a necessary party in the present Execution Petition. It is the submission made by the learned counsel that when the trial Court had decreed the suit ordering eviction, the same has been confirmed by the Appellate Court in A.S.No.61 of 2013 and as against the judgment and decree of the Appellate Court, the petitioner herein has not filed any appeal and as such, the decree has become final. Since there is a valid decree in his favour, the Execution Court is bound to execute the same

without any deviation and the petitioner is only trying to protract the proceedings by filing the application of this nature.

5.I have given careful consideration to the submissions made by the respective learned counsels.

6.It is seen that the petitioner has also filed an application raising his objection before the Execution Court under Section 47 of the Civil Procedure Code, which is pending. It is during the pendency of this application, the petitioner has sought for impleading the Revenue Officials of the Government as party respondent. I am unable to comprehend as to how this revenue officials would be the necessary parties in the Execution proceedings. Even assuming that the land belongs to Government, the Execution Court cannot deviate from the decree and is bound to abide by the same. As such, even in the absence of the Government Officials, the Execution Petition can be properly adjudicated. Moreover, the petitioner's application filed under Section 47 of CPC., have already been under consideration before the Court below and as such, I do not find any infirmity on the part of the Execution Court in rejecting the petitioner's application to implead the Government Officials. Hence, the Civil Revision Petition stands dismissed.

7.It is made clear that all the observations made in the present revision petition is only for the purpose of answering the grounds raised by the petitioner and the Execution Court shall not take it as a precedent or place reliance for the purpose of determining the application filed under Section 47 of the Civil Procedure Code.

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

04.12.2018

Index : Yes/No
speaking order/non speaking order

DP

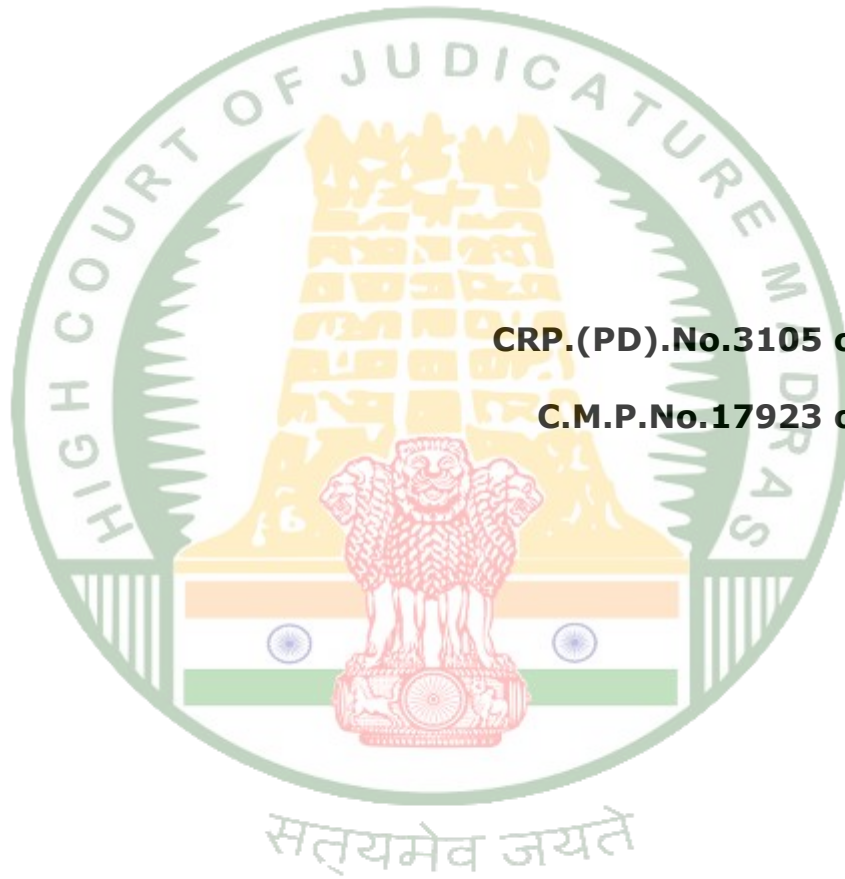
To

The Sub Court,
Poonamallee,
Chennai.

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M.S.RAMESH.J,

DP



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