



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 06.07.2018
CORAM

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.R.P (MD) No.1362 of 2018

and

C.M.P. (MD) No.5881 of 2018

1.Venkat Rengaiyah, S/o.Late.Parthasarathy
2.Kesavaperumal, S/o.Gopinathan
3.Dhass @ Rajagopal, S/o.Raj
4.Ethirajulu, S/o.Renganathan Iyer
5.Singaperumal, S/o.Ramajeyam ... Petitioners

Vs.

1.Thirumalaisamy, S/o.Muthusamy
2.Purushothaman, S/o.Thirumalaisamy

3. The Tahsildar,
Dindigul Taluk and District.

4. The District Collector,
Dindigul District.

... Respondents

Prayer:- This Civil Revision Petition is filed under Article 227 of the Constitution of India, seeking to call for the records pertaining to the fair and decretal order dated 17.01.2018, made in I.A.No.650 of 2012 in O.S.No.98 of 2012 on the file of the Additional District Munsif Court, Dindigul and set aside the same.

For Petitioners	:	Mr.R.Venkatesan for M/s.Right Law Associates
For R1 & R2	:	Mr.R.Sundar
For R3 & R4	:	Mrs.V.P.M.Vaishnavi Government Advocate

ORDER

The petitioners have filed the present Civil Revision Petition invoking Article 227 of the Constitution of India, seeking to set aside the fair and decretal order dated 17.01.2018, made in I.A.No.650 of 2012 in O.S.No.98 of 2012, on the file of the Additional District Munsif Court, Dindigul.

2.Heard Mr.R.Venkatesan, learned counsel appearing for the revision petitioners, Mr.R.Sundar, learned counsel appearing for the respondents 1 and 2/Caveators and Mrs.V.P.M.Vaishnavi, learned Government Advocate appearing for the respondents 3 and 4. By consent of both parties, the Civil Revision Petition is taken up for final disposal.



3.The revision petitioners are defendants and the respondents 1 and 2 are the plaintiffs in O.S.No.98 of 2012 on the file of the Additional District Munsif Court, Dindigul. The respondents 1 and 2 have filed the said suit for injunction. In the suit, the revision petitioners filed an Interlocutory Application in I.A.No.650 of 2012 under Order I Rule 10(2) and Section 151 of the Code of Civil Procedure, 1908, seeking to implead the respondents 3 and 4 herein, viz., the Thasildar, Dindigul Taluk and the District Collector, Dindigul, as parties on the ground that the properties, which are classified as 'Poramboke Lands', are absolutely belonged to the Government.

4.It is an admitted fact that both the revision petitioners/defendants and the respondents 1 and 2/plaintiffs are using the said lands as pathway. When the revision petitioners restrained the respondents 1 and 2, they instituted the suit against the revision petitioners and the same is pending. During the pendency of the said suit, the revision petitioners have filed the above application seeking to implead the respondents 3 and 4 as defendants 6 and 7 in the said suit, which was not at all required in this proceedings. It is represented by both the parties that challenging a notice issued under the Land Encroachment Act, writ petition was filed before this Court and this Court quashed the notice. Thereafter, the revision petitioners restrained the respondents 1 and 2. Therefore, the cause of action arose only against the respondents 1 and 2 not against the respondents 3 and 4 herein. This Court is of the view that the learned Additional District Munsif, Dindigul, has rightly considered the fact that the presence of the respondents 3 and 4 are not necessary to adjudicate the questions involved in the suit and dismissed the Interlocutory Application filed by the revision petitioners. Therefore, the impugned order of the learned Additional District Munsif, Dindigul, dismissing the application for impleading does not suffer from any infirmity, warranting interference by this Court. Hence, this Civil Revision Petition is dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

5.The learned Additional District Munsif, Dindigul, is directed to conduct trial of the suit in O.S.No.98 of 2012 on day-to-day basis without giving any adjournment to both the parties and dispose of the same on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(CS-III)

/True Copy/



To

1. The Additional District Munsif,
Dindigul.

2. The Tahsildar,
Dindigul Taluk and District.

3. The District Collector,
Dindigul District.

+1cc to M/s.Right Law Associates, Sr.No.71632

+1cc to Mr.R.Sundar, Advocate Sr.No.71478

SMN2

VB/SKN/RSK/SAR3/18.07.2018/3P/6C

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