



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATE: 30.01.2018

CORAM

THE HONOURABLE MR. JUSTICE V. BHARATHIDASAN

W.P. (MD).No.23332 of 2017 &
W.M.P. (MD).No.19621 of 2017

K.Solairajan

... Petitioner

-Vs-

1. The District Revenue Officer/
Additional District Magistrate,
District Revenue Office,
Collectorate,
Madurai.

2. The Revenue Divisional Officer,
Madurai.

3. The Tahsildar,
Madurai East Taluk,
Madurai.

4. K.Sethuraman

5. K.Rajangam

... Respondents

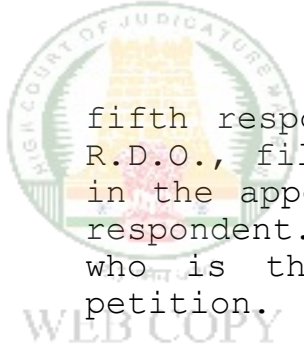
Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari to call for the records relating to the first respondent in his proceedings Na.Ka.No.G2/7885/2015, dated 20.11.2017 and quash the same.

For Petitioner	:	Mr.PT.S.Narendravasan
For R1 to R3	:	Mrs.J.Padmavathi Devi
		Special Government Pleader
For R4	:	Mr.S.Pon Senthilkumaran
For R5	:	Mr.A.Arputharaj

O R D E R

The writ petition has been filed challenging the order passed by the first respondent impleading the fifth respondent as party in the revision filed by the fourth respondent herein.

2. According to the petitioner, against the order passed by the Revenue Divisional Officer, granting Patta in favour of the writ petitioner, the fourth respondent has filed a revision before the first respondent and the same is pending, the fifth respondent is also one of the parties in the appeal disposed by the R.D.O. and the



fifth respondent name has also been deleted from the Patta by the R.D.O., filed an application to implead himself as party respondent in the appeal, the above application has been allowed by the first respondent. Now, challenging the above said order, the petitioner, who is the respondent in the revision filed the present writ petition.

3. The learned counsel for the petitioner would submit that even though an adverse order has been passed against the fifth respondent by the R.D.O., he did not prefer any revision against that order. Hence, he need not be impleaded in the revision filed by the fourth respondent. Apart from that, while allowing the impleading petition, the first respondent has held that it is an ancestral property and hence, the fifth respondent is also has right over the property which is not correct and the first respondent has pre-decided the issue before deciding the main revision.

4. Heard the learned counsel for the petitioner as well as the learned counsel for the respondents.

5. Admittedly, an adverse order has been passed against the fourth and fifth respondents by the R.D.O. Against that order, a revision has been now filed by the fourth respondent, in that revision, the fifth respondent herein wanted to implead as party which was allowed. As the fifth respondent has also suffered by the order passed by the R.D.O., he is also a person aggrieved. Hence, he is also having the right to contest the above order, even though he has not filed any revision, and he has some interest in the revision. Hence, there is no error in the order passed by the first respondent impleading the fifth respondent as party in the revision.

6. So far as the finding of the first respondent that the properties are ancestral properties, the apprehension expressed by the learned counsel for the petitioner is well founded, without considering the materials available on record, the first respondent ought not to have come to the above conclusion in the impleading petition. In the above circumstances, the first respondent is directed to dispose of the appeal, after considering the entire materials available on record and also give an opportunity to both the petitioner as well as the respondents 4 and 5 on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. It is also made clear that while passing the order, the first respondent shall consider the entire materials produced by the parties and decide the case on merits and in accordance with law without reference to the finding given in the impleading petition.



7. With the above direction, the writ petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CSIII)

/True Copy/

Sub-Assistant Registrar

To

1. The District Revenue Officer/
Additional District Magistrate,
District Revenue Office,
Collectorate,
Madurai.
2. The Revenue Divisional Officer,
Madurai.
3. The Tahsildar,
Madurai East Taluk,
Madurai.

+One cc to M/s.PT.S.Narendravasan, Advocate, SR.No.45327

+One cc to The Special Government Pleader, SR.No.45194

+One cc to M/s.A.Arputharaj, Advocate, SR.No.45258

+One cc to M/s.S.Ponsenthil Kumaran, Advocate, SR.No.45127

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RL/8C/3P/SKN/RSK/SAR1/23/2/2018

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30.01.2018