

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 02.01.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

C.R.P. (PD) Nos. 368 & 369 of 2015
and
M.P. No. 1 of 2015

P.Sellappa Gounder

...Petitioner in all CRPs

Vs

1. Kandasamy

2. Sinnakandan

3. The District Collector,
Erode District.

4. The Revenue Divisional Officer,
Gobichettipalayam,
Erode District.

5. The Tahsildar,
Bhavani Taluk Office,
Bhavani Taluk,
Now at Anthiyur Taluk,
Erode District.

...Respondents in all CRPs

COMMON PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 09.12.2014 made in I.A.Nos.2053 and 2054 of 2014 in O.S.No.200 of 2011 on the file of the learned Principal District Munsif, Bhavani.

For Petitioner : Mr.N.Manokaran
in all CRPs

For Respondents : Mr.S.Lakshmanasamy
for R1 & R2
in all CRPs

Mr.M.Sricharan Rangarajan
Spl. Govt. Pleader (Crl. Side)
for R3 to R5

COMMON ORDER

The present revisions are against the rejection of the applications filed by the petitioner herein under Order 16 Rule 1 and Section 151 of CPC to reopen the suit for further examination of witnesses.

2. The learned counsel for the petitioner submits that since the suit properties are classified as odai poramboke, any construction made therein would amount to violation of the terms and conditions of the assigned patta and as such, it is pertinent to summon the Revenue Officials for the purpose of establishing the nature of the land. By relying upon the Exs.X1 to X4, the learned counsel submitted that the evidence of the Revenue Officials would only help the Court to arrive at a conclusion as to the classification of the land in question.

3. It is seen that the application has been filed after the trial has concluded and the case was posted for arguments. If at all the petitioner is of the view that the land in question is classified as “Odai Poramboke” and has been assigned only for the purpose of cultivation and not for sale, it is always open to him to establish the evidence already let in and that, I am unable to comprehend as to how, the evidence of the Revenue Officials, would be pertinent to establish something which is already on record. As such, I do not find any infirmity in the order passed by the trial Court.

4. Nevertheless, it is always open to the petitioner herein to establish his case based on the evidences available on record and that the trial Court shall decide the suit, without being influenced by any of the observations made in this present revision petition as well as the observations made in the orders passed in I.A.Nos.2053 and 2054 of 2015.

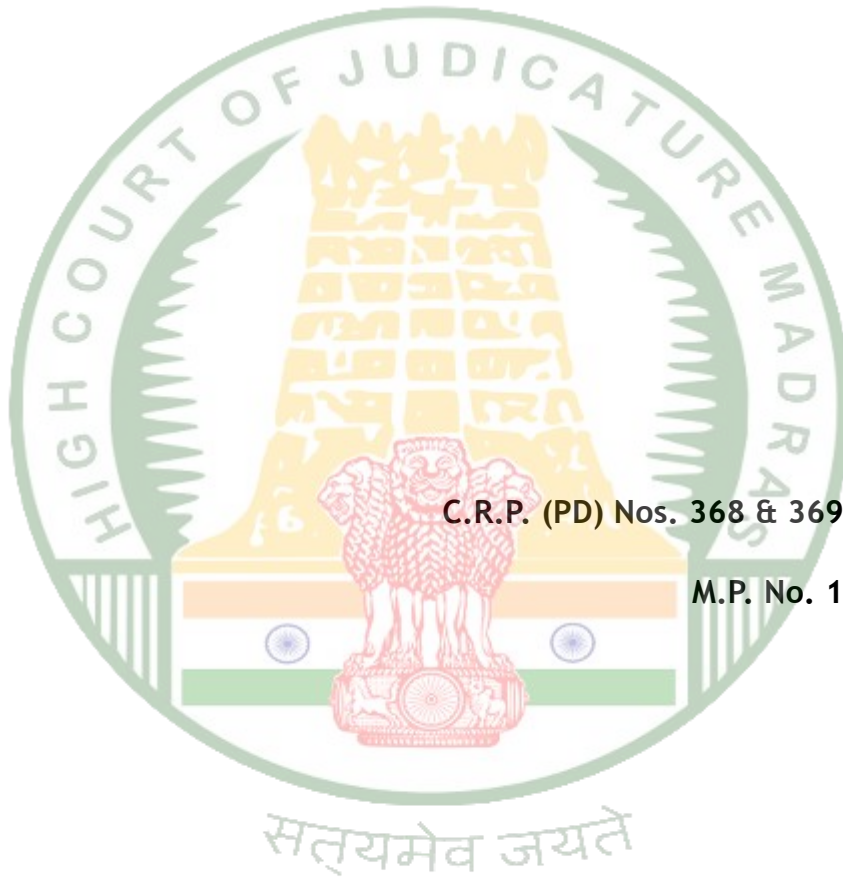
5. Accordingly, the Civil Revision Petitions stand dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

02.01.2019

Index:Yes/No
Speaking order: Yes/No
hvk

M.S.RAMESH.,J

hvk



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