

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2019

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P(PD).No.917 of 2019

&

C.M.P.No.5971 of 2019

Kumari

...Petitioner

Vs

1.Venkatesan

2.The Tahsildar
Taluk Office
Panruti

3.The Revenue Divisional Officer
Cuddalore

4.The Collector of Cuddalore District

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal orders dated 29.08.2018 passed in I.A.No.22 of 2017 in O.S.No.161 of 2007 on the file of the District Munsif Court, Panruti.

For Petitioner

:

Ms.R.Meenal

ORDER

The above Civil Revision Petition is filed challenging the dismissal of the application seeking to implead the revenue officials as defendants 2 to 4 in a suit filed for declaration and injunction with reference to the suit properties. The application has been dismissed and challenging the same the Civil Revision Petition has been filed.

2.The Court below has clearly observed that, if the respondents 2 to 4 are needed to speak about the suit properties, it can be achieved by examining them as a witnesses.

3.The Court has also held that the revenue officials cannot be impleaded as a party since, they have not taken out statutory notice under Section 80 of the Code of Civil Procedure to the proposed parties. Challenging the said order the revision petitioners are before this Court.

4.Heard Ms.R.Meenal, learned counsel for the revision petitioner. As rightly pointed out by the Court below the revenue officials need not be made a party to the suit since they are the public authorities

discharging a public function and no relief is claimed against them.

5. With reference to the revenue records the revision petitioner is free to issue subpoena to the officials to appear before the Court along with the necessary documents and the same can be marked on the side of the plaintiff. Such an observation has also been made by the Court below namely District Munsif Court, Panruti in I.A.No.22 of 2017 in O.S.No.161 of 2017.

I find no infirmity in the order passed by the learned District Munsif and the Civil Revision Petition is dismissed with liberty to the revision petitioner to take out necessary Subpoena to the public officials. There shall be no order as to costs. Consecutively, connected Civil Miscellaneous Petition is also closed.

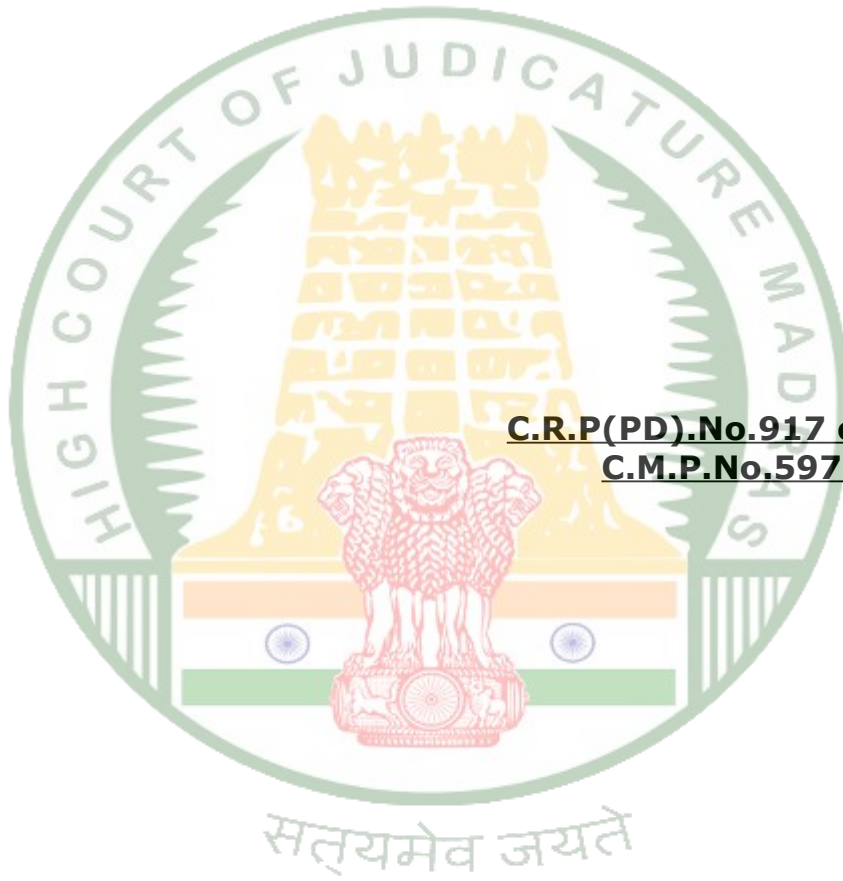
11.03.2019

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Index : Yes/No
Speaking order/non-speaking order

To,
The District Munsif, Panruti.

P.T.ASHA, J.,

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