

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2019

C O R A M

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.R.P.(PD) NO.2152 OF 2019

1.M.R.Baskaran
2.G.Indira
3.B.Bharathi
4.B.Babu
5.B.Rohini
6.R.Annapoorani

... Petitioners

Vs.

1.D.S.Rajkumar
2.D.S.Rajendra Kumar
3.R.Indrajith
4.R.Arihant Kumar
5.R.Sidhdharth

6.The District Collector,
Thiruvannamalai.

7.The District Revenue Officer,
Thiruvannamalai District,
Thiruvannamalai.

8.The Revenue Divisional Officer,
Thiruvannamalai.

9.The Tahsildar,
Thiruvannamalai.

10.The Special Commissioner &
Commissioner for Land Administration,
Ezhilagam, Chepauk,
Chennai - 6.

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India against the order and decretal order in I.A.No.101 of 2017 in O.S.No.12 of 2014 on the file of the Additional District Court at Thiruvannamalai dated 03.11.2018.

For Petitioners : Mr.S.Arokia Maniraj
For Respondents : No Appearance

ORDER

The present Civil Revision Petition is preferred against the dismissal of the impleading petition filed by the third party / revision petitioners.

2. The suit property was classified as "Depressed Class Land". The original assignee had sold the land assigned to him after converting the patta into an ayan patta. Since the land is very valuable, it appears that the patta was cancelled. Against the cancellation of patta, the subsequent purchaser filed a suit for declaration of title. The revision petitioners, who are third parties, sought to implead themselves in the above suit.

3. The contention of the petitioners is that they belong to Depressed Class and there is every chance for the Government to allot the land in favour of them. Therefore, they are necessary parties to the suit and that any order that may be passed in the above suit will directly

affect them. Therefore, the order passed by the Trial Court dismissing the impleading petition on the ground that they have no right, title or interest over the suit property, is erroneous.

4. On consideration of the materials available before this Court, it could be seen that as of today, the Government has cancelled the patta and had taken steps to resume the land. The said cancellation of patta is under challenge. As such, it is the dispute between the subsequent purchaser of the assignor and the Government. The Government may assign the land to the revision petitioners or to somebody else. The dispute revolves around conversion of the Depressed Class Land patta and validity of the purchase. In the said dispute, the petitioners have no say and that their presence will not help the Court to effectively adjudicate the dispute. The petitioners are under apprehension that the land may be assigned to them in future. On the apprehended action of the Government, the petitioners cannot claim any right. In other words, no vested right has accrued on the petitioners as of today. The Trial Court has rightly found that on the date of filing of the impleading application, the petitioners had no right, title or interest over the suit property and therefore, they are not necessary parties. The findings given by the Trial Court is very much legal and correct. Therefore, the revision petitioners are not entitled to get impleaded in a suit between the third parties on apprehended action.

5. The Civil Revision Petition merits no consideration and accordingly, stands dismissed. No costs.

05.07.2019

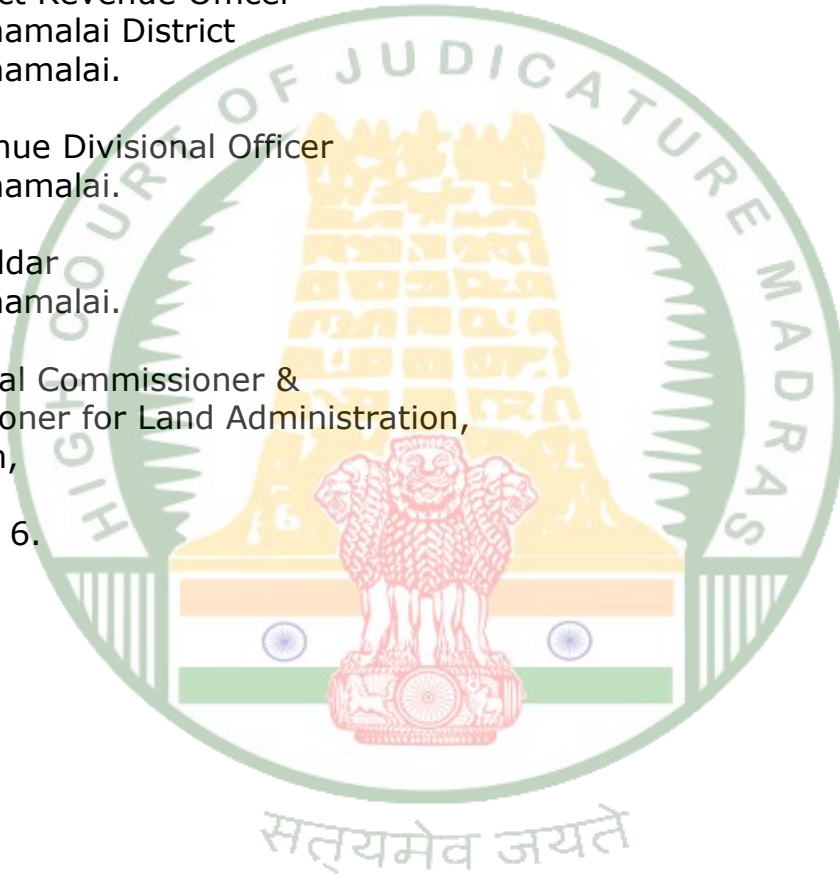
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To

1. The Additional District Court
Thiruvannamalai.
- 2.The District Collector
Thiruvannamalai.
- 3.The District Revenue Officer
Thiruvannamalai District
Thiruvannamalai.
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M. GOVINDARAJ, J.

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