

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2019

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

C.R.P.(PD) NO.1678 OF 2019

R.Harikrishnan

... Petitioner

Vs.

1.Umapathy

2.District Collector
District Collectorate Office
Sathuvachari,
Vellore District.

3.Sub Collector
Office of Sub Collectorate
Tirupattur,
Vellore District.

4.Thasildar
Taluk Office
Ambur,
Vellore District.

5.Village Administrative Officer
Village Administrative Office
Karumbur.

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution

of India praying to set aside the docket order dated 03.04.2019 made in O.S.No.93 of 2019 on the file of Subordinate Judge, Vaniyambadi, Vellore District and to direct the trial Court to add the respondents 2 to 5 as defendants 2 to 5 in the above suit.

For Petitioner : Mr.M.V.Venkateshan

ORDER

The petitioner is the plaintiff. He filed a suit for declaration of title against the first respondent / first defendant, in which, he has impleaded the District Collector, Sub Collector, Tahsildar and Village Administrative Officer as party defendants. The Trial Court, after considering that the dispute is between the plaintiff and the first defendant regarding title of the property and the official respondents are not proper parties to be impleaded as defendants, issued summons only to the first respondent / first defendant. Aggrieved over the same, the petitioner / plaintiff is before this Court.

2. Admittedly, the official respondents have nothing to do with regard to the title dispute between the petitioner and the first respondent. During the course of their official discharge of duties, they have conducted enquiry with regard to transfer of patta, that does not

have any connection to the title. In such circumstances, the official respondents may not be proper parties in deciding the issue of title between the petitioner and the first respondent and the Trial Court has rightly refused to issue summons to the official respondents. It is always open to the petitioner to summon the official respondents as witnesses before the Trial Court during trial. The petitioner is also entitled to mark the documents with regard to patta and other revenue records. In such circumstances, it is not necessary to implead the official respondents as defendants in the suit and the course of action taken by the Trial Court is very much correct and there is no infirmity in the order passed by the Trial Court.

3. The Civil Revision Petition is dismissed with the above observations. No costs.

सत्यमेव जयते

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04.06.2019

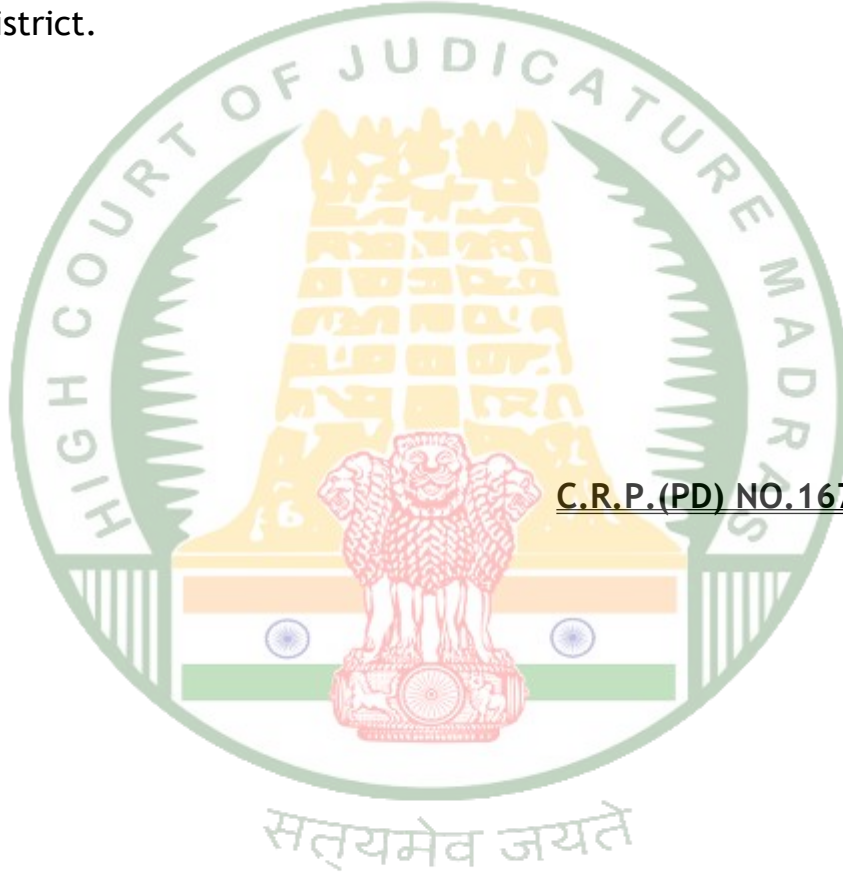
Index : Yes/No
Internet : Yes/No
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M.GOVINDARAJ, J.

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To

The Subordinate Judge
Vaniyambadi,
Vellore District.



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