

A.No. 3966 of 2019
in
C.S.No. 725 of 2018

R.SUBRAMANIAN, J.

The applicant seeks to impleading himself as a defendant in the suit filed by the first respondent seeking declaration of his title to the suit property.

2. The suit itself has been filed pursuant to the order of the Hon'ble Supreme Court in C.A.No. 8269 of 2015 dated 27.10.2017. The land in question was sought to be taken over by the respondents 2 to 7 for the purposes of construction of Metro Rail project by the applicant. The plaintiff/first respondent challenged the said take over contending that the property belongs to him, since the patta has been issued to him. It was also further contention of the first respondent that land in question was classified as gramanatham and therefore the Government cannot claim paramount title to the said land. The Hon'ble Division Bench of this Court allowed the writ petition sustaining the claim of the first respondent.

3. Aggrieved, the applicant herein had filed the above C.A.No.8269 of 2015 before the Hon'ble Supreme Court. The Hon'ble Supreme Court by its order dated 27.10.2017 in C.A.No. 8269 of 2015 concluded that the plaintiff/first respondent herein should take appropriate civil action to establish that he is the owner of the land. It was observed that the compensation which was deposited

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by the applicant was directed to be kept in deposit and the same shall be dealt with on the basis of the result of the action taken by the first respondent herein. Pursuant to the above observations of the Hon'ble Supreme Court, the present suit has been filed. The applicant seeks to implead himself in the suit contending that it is a proper party to the suit.

4. Considering the fact that the land in question was claimed to be gramanatham and the Hon'ble Supreme Court had given liberty to the first respondent to file a suit to establish his title, the applicant as the beneficiary could be termed as a proper party, though not a necessary party. This application for impleading is allowed, the applicant is impleaded as 7th defendant in the suit. The applicant shall file his written statement on or before 08.07.2019. Upon such filing, registry is directed to post the suit for framing of issues on 10.07.2019.

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24.06.2019

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