

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2019

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

C.R.P. PD 3701 of 2019
and
C.M.P. 24343 of 2019

S.Durairaj

... Petitioner

Versus

1. G.Saraswathi
2. G.N.Reddy
3. V.G.Janarthanam
4. D.I.Hemalatha

5. The District Collector,
Vellore District,
Vellore, Tamil Nadu.

6. The Tahsildar,
Revenue Department,
Arakkonam Taluk,
Arakkonam.

... Respondents

PRAYER : Civil Revision Petition is filed under Art. 227 of Constitution of India, praying to set aside the Order and decretal order made in I.A. No.213 of 2018 in O.S.No.230 of

1998 on the file of the learned District Munsif Court, Arakkonam, Vellore District.

For Petitioner : Mr.V.Nithiyanandam

ORDER

This Civil Revision Petition has been directed against the order allowing the application filed by the respondents 1 to 4 to implead them as party defendants in the suit.

2. The petitioner has filed a suit for permanent injunction against the District Collector, Vellore District, and the Tahsildar, Arakkonam, restraining them from interfering with his peaceful possession and enjoyment of the suit schedule property. According to him, the suit property allotted to his grandfather by name Thotti Vembulikhan, by the Government in the year 1955. Thereafter, he was in possession and enjoyment of the same, and the said land is exempted from paying tax. Now, the revenue authorities are interfering with his possession and enjoyment of the same. Hence, the suit has been filed.

3. Earlier, the Suit was dismissed, and an appeal has been filed by the petitioner. The lower Appellate Court after considering the materials, has remanded the suit to the Trial Court for fresh disposal after appointment of Advocate Commissioner. At this stage, the respondents 1 to 4 have filed an application to implead themselves as party defendants in the suit on the ground that, the suit properties are originally belong to their grandfather, Govinda Reddy, and a patta was also granted to him, and he has been in possession and enjoyment of the property. Thereafter, the patta was transferred in favour of him. But, without impleading the respondents 1 to 4 as parties in the Suit, the petitioner has filed a suit against the Government, and the Trial Court has allowed that application. Challenging the same, the present Civil Revision Petition has been filed.

4. I have heard and considered the submissions made by learned counsel appearing for petitioner and perused the records carefully.

5. The case of petitioner is that the land was classified as Thoti manyam, and the petitioner's grandfather was in possession and enjoyment of the property. Now, the Government is trying to interfere with his possession. According to the proposed respondent, in respect of suit property, a patta was granted in favour of his grandfather, which is marked as Ex.P1. Thereafter, a joint patta was also granted in their favour, which is marked as Ex.P2, and they are in possession and enjoyment of the property.

6. Considering the facts and circumstances, as patta stands in the name of impleading parties, they are also necessary parties to the suit, the Trial Court has allowed the application. I do not find any illegality or irregularity in the order passed by the Trial Court, and I do not find any merit in this Civil Revision Petition. Accordingly, the Civil Revision Petition stands dismissed.

7. If at all, any appeal is pending against the order of granting patta, the petitioner could work out his remedy before the appellate authority. However, considering the fact that, the suit is pending from the year 1998, the Trial Court is directed to

dispose the Suit within a period of six months from the date of receipt of the copy of this order. No costs. Consequently, the connected Civil Miscellaneous Petition in C.M.P. 24343 of 2019 is closed.

17.12.2019

Index : Yes/No
Internet: Yes/No
Speaking/Non Speaking order
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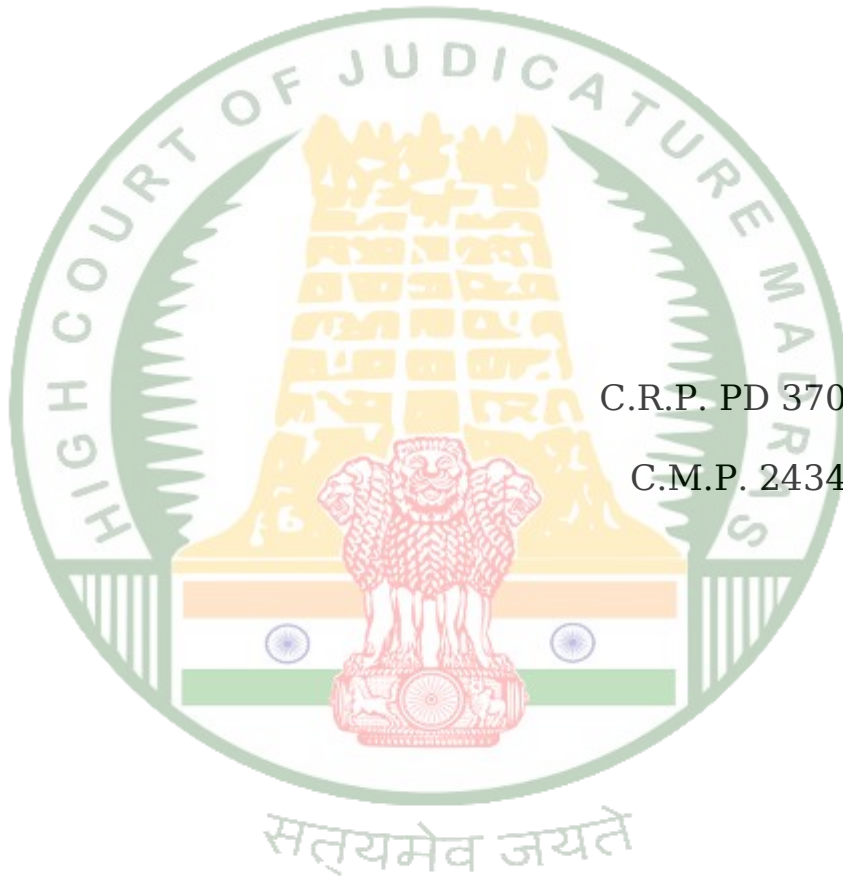
To

1. District Judge,
District Munsif Court,
Arakkonam, Vellore Dt.
2. The District Collector,
Vellore District,
Vellore, Tamil Nadu.
3. The Tahsildar,
Revenue Department,
Arakkonam Taluk,
Arakkonam.

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V.BHARATHIDASAN,J.

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