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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

C.R.P.No.3912 of 2019

and

C.M.P.No.25815 of 2019

Thangamani (died)  
Lalithamani

..Petitioner/2<sup>nd</sup> Plaintiff

Vs.

1. R.Gopal
2. R.Shanmugam
3. R.Lakshmi
4. G.Elavarasi
5. S.K.Saraswathi
6. P.Jayakrishnan
7. M.Abdul Khadar
8. V.Krishnaamy
9. M.Subramaniam
10. The Sub Registrar,  
Singanallur, Presently at Trichy Road,  
Chinthamanipudur, Coimbatore-641103.
11. The District Revenue Officer (Stamps),  
Coimbatore.
12. The Special Tahsildar,  
Urban Land Tax, Coimbatore North.
13. The Inspector of Survey,  
Urban Land Tax, Coimbatore North.
14. The Assistant Commissioner,  
Coimbatore City Corporation (East Zone),  
Singanallur, Coimbatore - 641005.
15. The Inspector of Survey,  
Coimbatore City Corporation (East Zone),  
Singanallur, Coimbatore-641005.
16. The Assistant Engineer,  
TANGEDCO, (Gandhi Nagar),  
Annachithottam, Chindamanipudur,  
Coimbatore - 641103.



17. The District Collector,  
Coimbatore - 641018.

18. The Inspector General of Registration,  
Office of Inspector General of Registration,  
No.100, Santhome High Road, Mylapore,  
Chennai - 600 028.

19. The Commissioner,  
Coimbatore City Corporation,  
Coimbatore.

20. The Chief Engineer,  
TANGEDCO, Tatabad,  
Coimbatore - 12

21. The Principal Commissioner of Income Tax,  
Office of Commissioner of Income Tax,  
Race Course, Coimbatore.

.. Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order dated 27.08.2019 made in I.A.No.1230 of 2018 in O.S.No.561 of 2018 on the file of the learned Principal Subordinate Judge, Coimbatore.

For Petitioner : Mr.M.Guruprasad

#### O R D E R

This revision has been filed against the dismissal of application filed under Order I Rule 10 of C.P.C. to implead (1) The Inspector General of Registration, Office of Inspector General of Registration, No.100, Santhome High Road, Mylapore, Chennai - 600 028, (2) The Commissioner, Coimbatore City Corporation, Coimbatore, (3) The Chief Engineer, TANGEDCO, Tatabad, Coimbatore - 12 and (4) The Principal Commissioner of Income Tax, Office of Commissioner of Income Tax, Race Course, Coimbatore as party defendants in the suit.

2. The petitioner filed the suit for the following reliefs:

"(a) Declaring that the order dated 12.05.2017 in the Proceedings in Mu.Pa.No.504 of 2017, passed by the 11<sup>th</sup> defendant to collect deficit stamp duty for the sale deed dated 26.12.2016 registered as document No.1019/2017 in the office of the 10<sup>th</sup> defendant in respect of the Item No.III of



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the suit schedule property, is false and incorrect one,

(b) Declaring that the said Sale Deed dated 26.12.2016 executed by 7<sup>th</sup> defendant as Power Agent of 6<sup>th</sup> defendant in favour of defendants 1, 4 & 5, registered as document No.1019/2017, in the office of 10<sup>th</sup> defendant, in respect of the Item No.III of the suit schedule property is illegal, invalid and unenforceable in law, because it is fraudulently and illegally created one, as it is not supported by real sale consideration, and based on false and incorrect orders dated 12.05.2017 in the proceedings in Mu.Pa.No.504 of 2017 passed by the 11<sup>th</sup> defendant,

(c) Declaring that the Executive Order in Na.Ka.416/12/A1 dated 26.03.2012, passed for sub division and issuance of Land Ownership Certificate by the 12<sup>th</sup> defendant in respect of Item No.II of suit schedule property is not binding upon the plaintiffs, since it was done during the pendency of the suit in O.S.No.2566/2006 on the file of District Munsif of Coimbatore and second appeal in S.A.No.1260/2008, before the Hon'ble High Court of Judicature at Madras,

(d) Declaring that the changes made in the revenue records of the defendants 13 to 15 based on Executive Orders in Na.Ka.416/12/A1 dated 26.03.2012 passed for sub division and issuance of Land Ownership Certificate by the 12<sup>th</sup> defendant in respect of Item No.II of the suit schedule property is not binding upon the plaintiffs,

(e) Directing the 16<sup>th</sup> defendant by means of mandatory injunction to disconnect the electricity service connection in S.C.No.602 for running a workshop and flour mill and other connections in S.C.No.1083 and S.C.No.163 provided to the illegal commercial constructions put up by the 1<sup>st</sup> defendant,

(f) Directing the 14<sup>th</sup> defendant to take appropriate action against the defendants 1 to 3 for their illegal and unauthorised commercial constructions and other buildings



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which are not yet assessed, in the eastern portion of Item Nos.II of the suit schedule property, by means of a mandatory injunction,

(g) Declaring that the defendants 1 to 3 are not cultivating tenants under Tamil Nadu Cultivating Tenants' Protection Act and not entitled for any protection under the said Act,

(h) Directing the defendants 1, 4 & 5 by means of a mandatory injunction to remove the encroachment made in the Item No.I of the suit schedule property,

(i) Directing the 1<sup>st</sup> defendant to pay the plaintiff a compensation of Rs.1,01,000/- (One Lakh one thousand rupees only) for having harassed them and made them to spend substantial legal and other expenses till now and inflicting severe mental agony,

(j) Granting permanent injunction restraining the defendants 1, 4 and 5 from alienating or encumbering the Item No.III of the suit schedule property to any third party,"

3. Pending suit, present application has been filed on the ground that, ultimately in the event of the suit is decreed in favour of the petitioner, the proposed defendants being the Head of their respective departments, are the authorities who can execute the decree and without them decree cannot be validly executed.

4. The trial Court dismissed the application stating that the concerned officers who have to execute the decree has already been made as party defendants hence the Head of the Departments need not be impleaded as party defendants in the suit.

5. Aggrieved over the same, the petitioner has filed the present revision before this Court.

6. I have heard the learned counsel appearing for the petitioner and perused the records carefully.

7. Perusal of the records would show that the Sub Registrar, Singanallur, The District Revenue Officer (Stamps), Coimbatore, The Special Tahsildar, Urban Land Tax, Coimbatore North, The Inspector of Survey, Urban Land Tax, Coimbatore



North, The Assistant Commissioner, Coimbatore City Corporation (East Zone), Singanallur, The Inspector of Survey, Coimbatore City Corporation (East Zone), Singanallur, The Assistant Engineer, TANGEDCO, (Gandhi Nagar), Annachithottam, Chindamanipudur and The District Collector, Coimbatore - 641018, were already been included as party defendants. If at all any decree is passed in favour of the plaintiff these are the officers who are required to execute the decree and therefore there is no necessary to implead the head of the departments as party defendants as they are not necessary parties. The Trial Court has rightly come to the said conclusion and this court do not find any illegality or irregularity in the same. There is no merit in the revision and the same is liable to be dismissed.

8. In the result, the civil revision petition is dismissed and the order and decretal order of the Court below, impugned in this revision petition, are hereby confirmed. The trial Court is directed to dispose of the suit de hors the observations made in the I.A. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD I)

//True Copy//

Sub Assistant Registrar

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To

The Principal Subordinate Court,  
Coimbatore.

+1cc to Mr.M.Guruprasad, Advocate, S.R.No.102998

C.R.P.No.3912 of 2019 and  
C.M.P.No.25815 of 2019

BP(CO)  
KKV/13/07/2020