



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.09.2019

CORAM:

WEB COPY

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

C.R.P.(MD)No.387 of 2012
and M.P.(MD)Nos.1 & 2 of 2012

Sri Meenakshi Sundareswarar Koil,
Represented by its trustee,
Sivashanmugapoochaya Naicker,
Marungapuri Village,
Manapparai Taluk,
Tiruchirappali.

: Petitioner/Petitioner/
3rd Party

Vs.

1.Sellammal : 1st Respondent/1st Respondent/
Petitioner

2.Ramalingam : 2nd Respondent/2nd Respondent/
Respondent

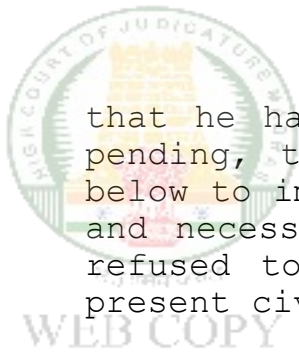
PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the Special Deputy Collector (Revenue Court), Tiruchirappalli to number the unnumbered impleading petition in M.P.S.R.No.748 of 2011 in P.No.160 of 2004 on the file of the Special Deputy Collector (Revenue Court) Tiruchirappalli and implead the petitioner as a party in the proceedings and enquire the same, in accordance with law.

For Petitioner : Mr.A.C.Asaitambi
For R1 : Mr.M.Saravanan
For R2 : Mr.T.Vadivelan

ORDER

This Civil Revision Petition has been filed against the rejection of the impleading petition filed by the petitioner, which was not even entertained by the Revenue Court, Tiruchirappalli in the pending proceedings initiated under the Tamil Nadu Cultivating Tenants Protection Act.

2.The first respondent initiated proceedings under the Tamil Nadu Cultivating Tenants Protection Act against the second respondent seeking for evicting the second respondent on the ground



that he has failed to pay rent regularly. When this petition was pending, the petitioner had filed an application before the Court below to implead itself as a party on the ground that it is a proper and necessary party in the petition. The concerned authority had refused to entertain the petition and aggrieved by the same, the present civil revision petition has been filed before this Court.

3.The learned counsel appearing for the petitioner submitted that the issue as to whether the petitioner is a necessary / proper party has to be considered on merits by the concerned authority and the concerned authority went wrong by refusing to even entertain the petition for impleading. Therefore, the learned counsel submitted that the Special Deputy Collector (Revenue Court), Tiruchirappalli, should be directed to take the petition on file and decide the same on its own merits.

4.Per contra, the learned counsel appearing for the first respondent submitted that the petitioner has absolutely nothing to do with the property. He further submitted that the petitioner filed a suit in O.S.No.447 of 2004 before the District Munsif Court, Manapparai seeking for the relief of declaration and recovery of possession against the respondents herein and the said suit was dismissed by judgment and decree dated 23.01.2014 and hence, the petitioner does not have any title over the property. The petitioner filed an appeal against this decree in A.S.No.68 of 2015 before the II Additional Sub Court, Tiruchirappalli and the Appellate Court by judgment and decree dated 29.08.2017 dismissed the appeal and confirmed the judgment and decree passed by the Trial Court. The learned counsel by bringing to notice all these judgments passed by a competent Civil Court, submitted that the competent Civil Court has already held that the petitioner has absolutely no right, title or interest in the property and therefore, the petitioner cannot be permitted to implead itself in the proceedings pending before the authority.

5.This Court has carefully considered the submissions made on either side and the materials available on record.

6.Subsequent development that has happened in this case by virtue of judgment in O.S.No.447 of 2004 and confirmed in A.S. No.68 of 2015, it is clear that the petitioner has been found not to have any title over the property. This finding has been given by a competent Civil Court and therefore, the same is binding upon the authority, who is now decide the eviction petition filed by the first respondent under the Tamil Nadu Cultivating Tenants Protection Act. The said authority cannot give a contrary finding to the finding that has been given by the competent Civil Court. Therefore, this Court does not find any reason to give any direction to the Special Deputy Collector (Revenue Court), Tiruchirappalli, to take the impleading petition on file. This will only be an



7.In the result, this Court does not find any ground to entertain this Civil Revision Petition and accordingly, the same is dismissed. The Special Deputy Collector (Revenue Court), Tiruchirappalli, is directed to dispose of the petition pending in P.No.160 of 2004, within a period of two months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(AS)

/TRUE COPY/

Sub Assistant Registrar

gns

To

The Special Deputy Collector (Revenue Court),
Tiruchirappalli.

+1 CC to M/s.N.C ASHOK KUMAR, Advocate (SR-86739[F] dated
16/09/2019)

C.R.P. (MD)No.387 of 2012
13.09.2019

JM/14.10.2019/3P/3C