

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2020

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MR.JUSTICE R.SURESH KUMAR

Writ Appeal Nos.179 and 184 of 2020

Ganesan ...Appellant in W.A.No.179/2020

G.Karthikeyan ...Appellant in W.A.No.184/2020

-Vs-

1.The District Collector
Vellore District.

2.The Revenue Divisional Officer
Ranipet,
Vellore District.

3.The Tahsildar, Arcot Taluk
Arcot,
Vellore District.

...Respondents in both appeals

For Appellants : Mr.T.Karunakaran

Prayer : Appeals under Clause 15 of the Letters Patent against the order of this Court dated 01.10.2019 passed in W.P.No.23943 of 2010 and W.P.No.23945 of 2010. Writ petition filed under Article 226 of the constitution of India, for a writ of Certiorari and Mandamus, calling for the entire records relating to Na.Ka.A3/551/2009 dated 19.08.2010 passed by the 3rd respondent and to quash the same and consequently direct the respondent to appoint the petitioner for the post of Village Assistant in Palli village, Marudham Village.

C O M M O N J U D G M E N T

(Judgment of the Court was delivered by DR.VINEET KOTHARI, J.)

The present appeal is directed against the order of the learned Single Judge dated 01.10.2019, by which the learned Single Judge dismissed the writ petition for want of non-joinder of necessary and proper party D.Vinayagam, who was appointed as Village Assistant by the order dated 19.08.2010, which was sought to be challenged by the present appellants / petitioners.

2. Learned counsel for the appellants that, the said person had already been appointed and removed in the year 2008 and he was not actually working under the appointment order dated 19.08.2010 and therefore, the rejection of the writ petition on the ground of non-joinder of necessary and proper party is not sustainable and the impugned order of the learned Single Judge deserves to be interfered with.

3. Having heard the learned counsel for the appellants, we are satisfied that there is no error in the impugned order of the learned Single Judge and in our opinion, the impleadment of D.Vinayagam, who was appointed by the order dated 19.08.2010 was necessary and the learned Single Judge cannot be faulted, in having rejected the writ petition for want of non-joinder of necessary and property party in the matter. A person whose rights are likely to be adversely affected by the present writ proceedings, is a necessary party to be heard.

4. At this stage, the learned counsel for the appellants submits that he may be permitted to move appropriate Review Application before the learned Single Judge seeking leave of the learned Single Judge to implead the said D.Vinayagam as party in the writ petition and maintain the writ petition.

5. We grant the said liberty to the appellants to move appropriate Review Application before the learned Single Judge for impleadment of the necessary party D.Vinayagam and leave it to the discretion of the learned Single Judge. With the aforesaid liberty, these Writ Appeals are disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KST

To

1.The District Collector
Vellore District.

2.The Revenue Divisional Officer
Ranipet, Vellore District.

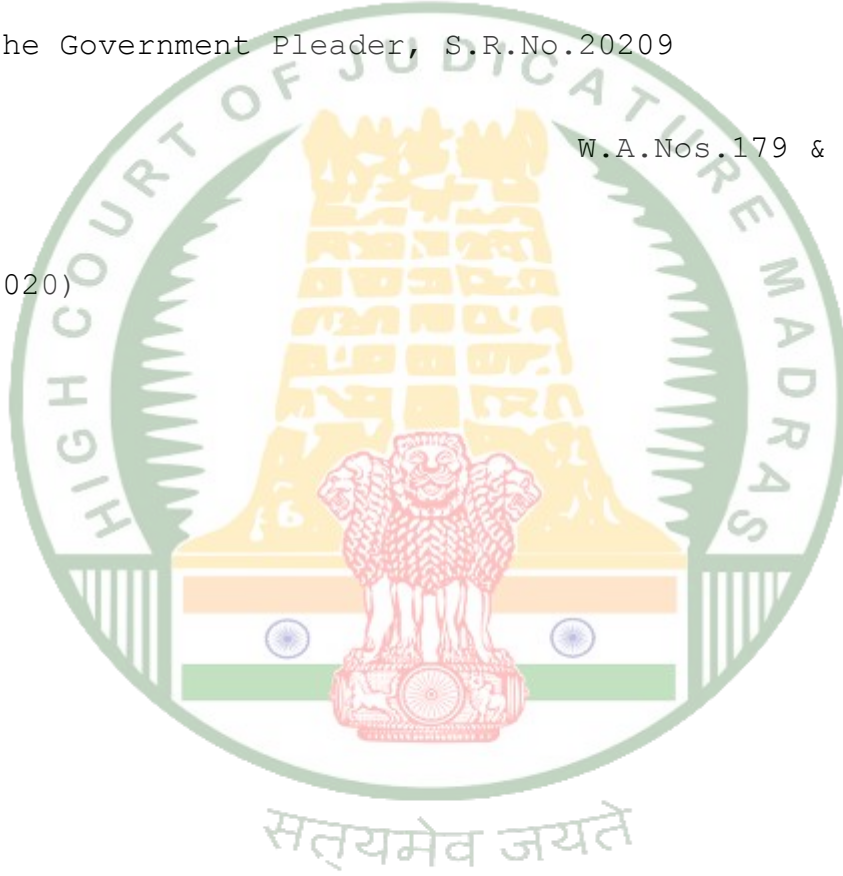
3.The Tahsildar, Arcot Taluk
Arcot, Vellore District.

+2 cc to M/s.Karunakaran, Advocate, S.R.No.19606,19607

+1 cc to the Government Pleader, S.R.No.20209

W.A.Nos.179 & 184 / 2020

RSI (CO)
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