

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 22.01.2020

CORAM

**THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN**

C.R.P. (PD) 112 of 2020  
and  
C.M.P. 711 of 2020

S.Neelayathatchiammal (died),

1. S.Gunasekaran

2. S.Kalaivanan @ S.Babu

... Petitioners

Versus

1. R.Sarvothaman

2. M.Mahendra Kumar Bothra

3. K.P.Mohammed Zarook

4. OK.Shamshad

5. The Commissioner,  
Corporation of Chennai,  
Chennai-3.

6. The Assistant Engineer,  
Corporation of Chennai,  
Dr.Radhakrishnan Nagar II Street,  
Thiruvanmiyur,  
Chennai-41.

... Respondents

**PRAYER** : Civil Revision Petition is filed under Art. 227 of Constitution of India, praying to set aside the fair and decreetal order dated 24.10.2019 passed in I.A. 9775/2013 in O.S. 7516/2006, pending on the file of XVI Asst. City Civil Court, Chennai.

For Petitioners : Mr.A.Prabhakaran

**ORDER**

This Civil Revision Petition has been filed against the order dismissing the petitioner's application to implead the Commissioner of Corporation of Chennai and the Assistant Engineer of Corporation of Chennai as party defendants in the suit.

2. Earlier, the petitioners' mother has filed a suit for declaration to declare her right over the suit schedule property. According to the plaintiff, the 4<sup>th</sup> defendant purchased the suit property, and subsequently, the approval of layout has been cancelled. Now, the matter is pending with the higher authorities. Since she has purchased the property with approval

of layout, which came to be set aside, later on, in order to prove the same, the petitioner wants to implead the Commissioner of Corporation of Chennai and the Assistant Engineer of Corporation of Chennai as party defendants in the suit. The Trial Court has dismissed the application holding that, merely because the approval of layout has been cancelled, and for that purpose, the proposed respondents need not be impleaded as party defendants in the suit. If at all, the petitioners want to establish the same, they can mark the certified copy of documents to prove the same. Challenging the same, the present Civil Revision Petition has been filed.

3. I have heard the submissions made by learned counsel appearing for petitioner and perused the materials available on record carefully.

4. It is a suit for declaration. Admittedly, the petitioners are not seeking any relief against proposed respondents. The only contention is that, the approval of layout has been subsequently cancelled by the Corporation of Chennai, and for that purpose, the petitioners want to implead them as party defendants in the suit. To establish the same, the petitioners can very well produce

certified copies of documents, for that, authorities need not be impleaded as party in the suit. The Trial Court has rightly dismissed the petitioners' application. Therefore, I find no illegality or irregularity in the order passed by the court below, and I find no merit in this Civil Revision Petition. Accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

**22.01.2020**

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

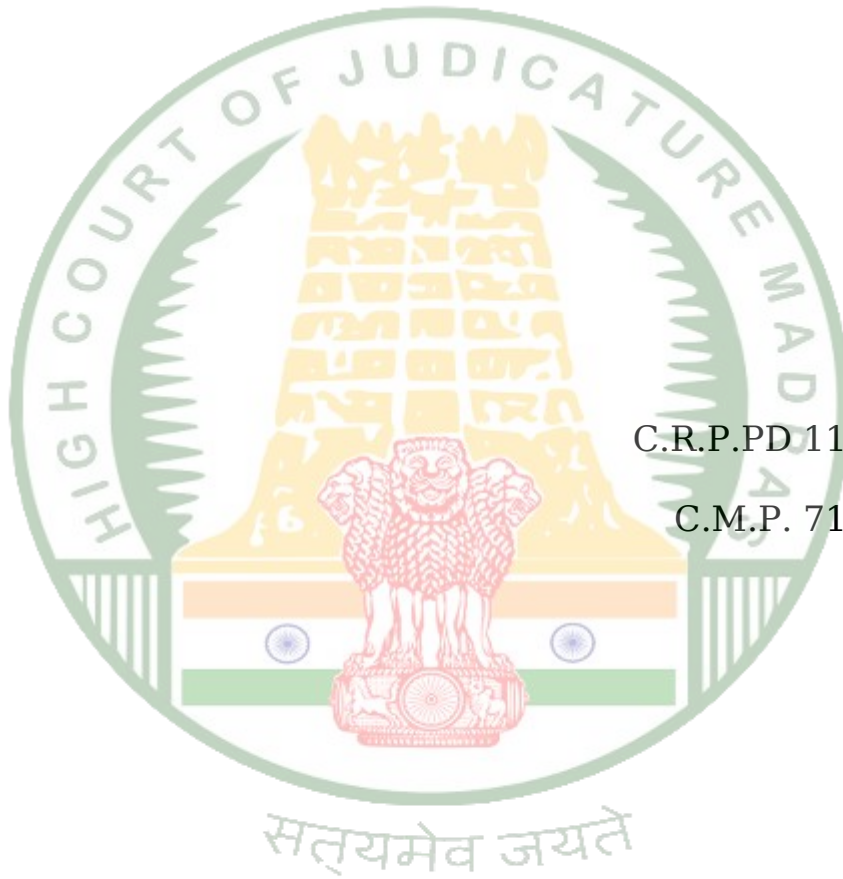
XVI Asst. Judge,  
City Civil Court,  
Chennai.



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**V.BHARATHIDASAN,J.**

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