

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.01.2020

CORAM

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

C.R.P.(PD).No.1968 of 2015

and

M.P.No.1 of 2015

Lingan@Sivan

... Petitioner

-VS-

1.K.Thavamani

2.T.Santha

3.Thasildar,

Taluk Office,

Arasinar Thottam,

Tirupattur Town,

Vellore District.

4.Tamil Nadu Government,

Rep. by,

District Collector,

Vellore.

5.Kalyani

... Respondents

PRAYER:

Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the entire records in pursuit to I.A.No.292 of 2015 in O.S.No.145 of 2010 vide order dated 13-03-2015 on the file of Principal District Munsif at Tirupattur and set aside the same.

For Petitioner : Mr.M.Sathish Kumar

ORDER

The Civil Revision Petition has been filed against the order impleading the respondents 1 and 2, who are the party defendants in the suit.

2.The petitioner has filed a suit for mandatory injunction against the defendants 1 and 2, who are the Tahsildar and the District Collector to grant patta in his favour and also for delivery of encroached portion from the third defendant. The third defendant in the suit remained exparte. The respondents 1 and 2 herein have filed a petition to implead themselves as a party defendant on the ground that the suit property is a natham poromboke and their father one Koti was enjoying the suit property and after his death, respondents 1 and 2 are enjoying the same for 35 years and patta is also granted in their favour. In the above circumstances, they have filed an application to implead themselves as a party defendant. The trial Court after considering the entire materials allowed the application impleading the respondents 1 and 2 as party defendants in the suit. challenging the same, the present Civil Revision Petition has been filed.

3.I have heard and considered the submissions of the learned counsel appearing for petitioner, and perused the records carefully.

4.The suit has been filed seeking for a mandatory injunction to grant patta and also for delivery of encroached portion from the third defendant. The third defendant remained exparte. Respondents 1 and 2 herein filed an application to implead them as

party defendants on the ground that they are in possession of the property for more than 82 years and patta has also been granted in their favour and hence, they are also having right and interest over the property and they should be necessarily impleaded as a party defendant in the suit. When the impleaded respondents 1 and 2 are claiming title over the property and claiming that a patta has been issued in their favour, necessarily they should be permitted to contest the suit.

5.The trial Court has rightly allowed the application and impleaded them as party defendants. Therefore, there is no illegality or irregularity in the order passed by the Trial Court, and I find no merit in this Civil Revision Petition. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

सत्यमेव जयते

13.01.2020

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Index : Yes/No

Internet: Yes / No

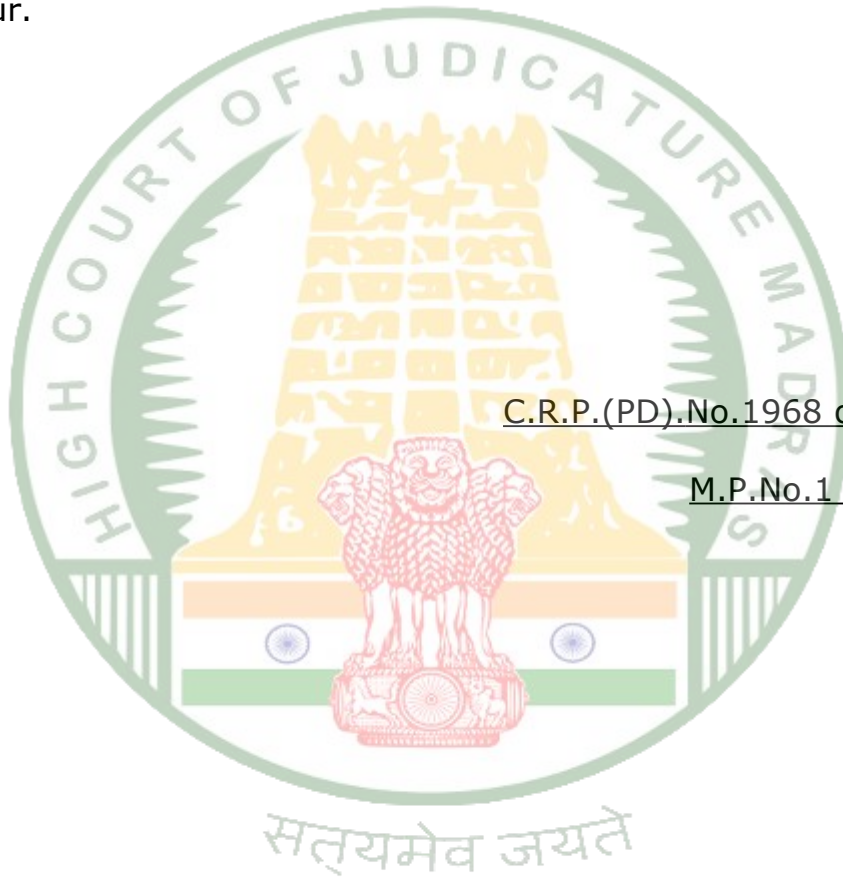
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V.BHARATHIDASAN.J.,

tsg

To

The learned Principal District Munsif,
Tirupattur.



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