

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

C.R.P.(P.D).No.2205 of 2019

N.V.Nallasamy

...Petitioner

Vs

1.Poovayal

2.Sarojini

N.K.Subramaniam (Died)

3.The District Collector Erode,
District Collector Office, Erode.

4.The Revenue Thasildar
Thasildar Office,
Bhavani

...Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Indian Constitution of India to set aside the order passed in I.A.No.372 of 2018 in O.S.No.406 of 2013 on the file of I Additional District Judge Court, Bhavani.

For Petitioner : Mr.N.S.Sivakumar

For R1 : Mr.Lakshmanasamy

For R2 : No appearance

For R3 & R4 : Mr.Ansar

ORDER

The Civil Revision Petition has been filed to set aside the order dated 12.03.2019 passed in I.A.No.372 of 2018 in O.S.No.406 of 2013 on the file of I Additional District Judge Court, Bhavani.

2.The petitioner is the plaintiff in O.S.No.406 of 2013 and he filed the suit for the relief of declaration and permanent injunction with regard to plaint schedule property against the defendants 1 to 3 (3rd defendant N.K.Subramanian was died). During the pendency of the case, the proposed parties i.e., the District Collector, Erode and The Tahsildar, Bhavani granted patta in favour of the defendants 1 to 3. Hence, the petitioner filed this I.A.No.372 of 2018 to implead them to the proceedings.

3. The trial after considering the argument of the learned counsel for the parties dismissed the petition on the ground by granting patta, the case will not be affected and the title has to be decided by the Civil Court and hence, the District Collector and the Tahsildar need not be impleaded as party to the proceedings as they are unnecessary parties.

4. Aggrieved by the said order of the trial Court, the petitioner filed the Revision Petition.

5. The learned counsel for the petitioner submitted that the order of the trial Court is contrary to law and the fact of the case is the District Collector and the Tahsildar granted patta while the suit is pending for declaration and injunction. The proposed parties are necessary to decide the case fully and reiterated other grounds raised and thus pleaded to set aside the order of the trial Court and allow the Revision Petition.

6. The learned counsel for the respondents supported the order of the trial Court and pleaded to dismiss the Revision Petition.

7.Heard the learned counsel for the parties and perused the materials available on record.

8.The petitioner N.V.Nallasamy/plaintiff filed the suit in O.S.No.406 of 2013 against the defendants viz., Sarojini and N.K.Subramanian for the relief of declaration and permanent injunction with regard to plaint schedule properties. While, the suit is pending, the defendants 1 to 3 presented the petition before the Tahsildar on 25.01.2018. Based on the petition, patta has been granted in favour of the defendants 1 to 3. At present, the 3rd defendant died. On 09.02.2018 and 20.02.2018 the petitioner gave a petition to the Revision Petition Authority and contended that patta has been wrongly granted in favour of the defendant and they have not taken any action. Under these circumstances, the petitioner filed a petition to implead the District Collector and Tahsildar as 4th and 5th defendants in the suit.

9. I have considered the records and nature of the case. The suit is for declaration of title of the plaintiff over the plaint schedule properties.

Changing the name of the patta will not affect the title of a person. Further patta is not a document for a title and it is only collection of land revenue purposes. Patta issued in the name of the title holder. Title has to be decided by the Civil Court. Under these circumstances, the Revenue Officers need not be added as a party to the suit. They are not necessary parties to adjudicate the claim completely. For the adjudication of the real controversy between the parties on record the presence of the Collector and the Tahsildar is not necessary. Therefore, the trial Court the dismissal order of the trial Court is legally sustainable one. I find no error in the order of the trial Court. Hence, I confirm the order of the trial Court and dismiss the Civil Revision Petition.

10. Accordingly, this Civil Revision Petition stands dismissed. No costs.

Index: Yes/No
Speaking Order: Yes/No
vsn

07.12.2020

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V.SIVAGNANAM.J,
vsn

To

- 1.The District Collector Erode,
District Collector Office, Erode.
- 2.The Revenue Thasildar
Thasildar Office,
Bhavani



C.R.P.(P.D).No.2205 of 2019

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