IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2020

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

C.R.P(PD).No.2851 of 2017
and
C.M.P.No.13441 of 2017

Subramaniyam ... Petitioner

Vs.

Balaraman (exonerated)

1. V.B.Palanivel
2. Kamala
3. The Commissioner,
   Attur Municipality,
   Attur, Salem District ... Respondents

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India to set-aside the fair and final order dated 22.10.2016 in I.A.No.141 of 2014 in O.S.No.251 of 2003 on the file of the District Munsif Court, Attur and allow the Civil Revision Petition.

For Petitioner : Mr. S. Kaithamalai Kumaran

ORDER

This Civil Revision Petition has been filed against the order dismissing the petitioner's application to implead the Commissioner of Attur Municipality, as a party defendant in the suit.

2. The petitioner/plaintiff has filed a suit in O.S.No.251 of 2003 on the file of the District Munsif Court, Attur, for declaration to declare that the settlement deed dated 22.05.2003 as null and void and also consequential injunction restraining the defendants from interfering with the peaceful possession of the plaintiff in the suit schedule property. In the above suit, the petitioner/plaintiff has filed an application to implead the Commissioner of Attur Municipality as a party defendant on the ground that the Municipality has transferred the House Tax Assessment in the name of the second defendant and hence, he is also a necessary party and the said application has been dismissed by the trial Court. Now challenging the same, the

present revision has been filed.

3. Heard the learned counsel for the petitioner and perused the materials available on records carefully.

4. The suit is filed for declaration and for consequential injunction in the year 2003 and now, in the year 2014, the present application has been filed to implead the Commissioner, Attur Municipality on the ground that pending suit, the Property Tax Assessment has been transferred in the name of the second defendant. In the event of any property tax assessment is transferred, it is always open to the petitioner, to challenge the same in the manner known to law and for that purpose, the Commissioner need not be added as a party in the suit and the petitioner has to prove his case for setting aside the settlement deed. Considering the said circumstances, the trial Court rightly dismissed the application. I find no illegality or irregularity in the order passed by the Court below and I find no merit in the revision.

5. Accordingly, the Civil Revision Petition is dismissed. However, considering the fact that the suit is pending from the year 2003, the trial Court is directed to proceed with the suit and dispose the same within a period of six (6) months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

14.02.2020

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

To
The District Munsif,
Attur.

C.R.P(PD).No.2851 of 2017

V.BHARATHIDASAN, J
mrp

C.R.P(NPD).Nos.2851 of 2017

14.02.2020