



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.10.2020

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

C.R.P. (PD) (MD)No.758 of 2020

and

C.M.P. (MD)No.5069 of 2020

M.A.Jayaprakash ... Petitioner/Petitioner/Plaintiff

vs.

1.V.K.Raja

2.The District Revenue Officer,
Dindigul Collectorate Office, Dindigul.

... 1st & 2nd respondents/1st & 2nd respondents/
1st & 2nd defendants

3.The District Collector,
Dindigul District Collectorate Office,
Dindigul.

4.The Commissioner/The Principal Secretary,
Land Administration,
Ezhilagam, Chepauk, Chennai.

...3rd & 4th respondents/3rd & 4th respondents/
/3 & 4 proposed defendants

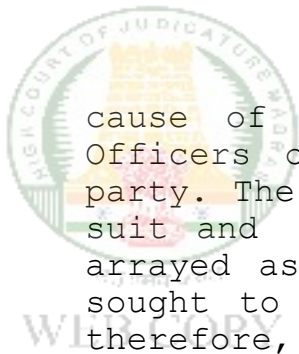
PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records and set aside the fair and decreetal order dated 11.03.2020 in I.A.No.879 of 2019 in O.S.No.545 of 2015 on the file of the Principal District Munsif Court, Dindigul.

For Petitioners : Mr.H.Lakshmi Shankar

ORDER

The plaintiff has moved an application in I.A.No.879 of 2018 for impleading the third and fourth defendants. The dismissal of the same is under challenge in this revision.

2. It is the case of the revision petitioner that he is in occupation of a suit property and he sought to be dispossessed by the officials of the State. *Prima facie*, the suit itself is badly framed. Since in terms of Order 27 Rule 5A CPC, in a case, where a



cause of action arises due to the act, or omission of public Officers of the State Government, the Government is a necessary party. The State Government however, is not made as a party in this suit and in their individual capacity, three officers alone were arrayed as defendants. Even herein, certain officials alone are sought to be impleaded and not the Government. The plaintiff is therefore, required to amend the plaint to bring on record the Government of Tamil Nadu as contemplated under Order 27 Rule 5A C.P.C.

3.For the present, this Court cannot entertain this application. However, since the suit itself is not properly framed, the petitioner will be at liberty to move the trial Court after the suit is rightly framed by impleading the Government.

4.In the result, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1.The Principal District Munsif Court,
Dindigul.

2.The Section Officer
V.R.Section, Madurai Bench of Madras High Court, (2 Copies)
Madurai.

+1 CC to M/s.H. LAKSHMI SHANKAR, Advocate (SR-19940[F] dated 13/10/2020)

C.R.P. (PD) (MD) No.758 of 2020
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ta/msa

SDS (28.10.2020) 2P-5C