

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.PD.Nos.861 and 862 of 2017

and

CMP.Nos.4240 and 4241 of 2017

CRP.PD.No.861 of 2017

1. S.Sundaresan
2. G.Ravi
3. Paranjothiammal
- 4.Meera
5. Sekar

... Petitioners

1. T.V.Annamalai
2. Executive Officer,
Selection Grade Town Panchayat Office,
Gingee Town.
3. Revenue Tahsildar,
Gingee Town.

Vs.

... Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, as against the order passed by the trial Court in I.A.No.1135 of 2016 in I.A.No.967 of 2016 in O.S.No.397 of 2016 dated 13.02.2017 on the file of Principal District Munsif Court, Gingee and set aside the docket order with direction to the trial Court to give opportunity to

the petitioners and public in accordance with law.

For Petitioners : Mr.N.Naganathan

For Respondents : Notice Served (for R1)
: Mr.S.Jaganathan
Government Advocate (CS)
(for R2 and R3)

CRP.PD.No.862 of 2017

1. S.Sundaresan
2. G.Ravi
3. Paranjothiammal
- 4.Meera
5. Sekar

... Petitioners

Vs.

1. T.V.Annamalai
2. Executive Officer,
Selection Grade Town Panchayat Office,
Gingee Town.
3. Assistant Director,
Town Panchayat Department,
Cuddalore.
4. Revenue Tahsildar,
Gingee Town.
5. District Collector,
Villupuram.

... Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, as against the order passed by the trial Court in I.A.No.1136 of 2016 in O.S.No.397 of 2016 dated 13.02.2017 on the file of

Principal District Munsif Court, Gingee and set aside the docket order with direction to the trial Court to give opportunity to the petitioners and public in accordance with law.

For Petitioners : Mr.N.Naganathan

For Respondents : Notice Served (for R1)
: Mr.S.Jaganathan
Government Advocate (CS)
(for R2 and R3)

COMMON ORDER

These Civil Revision Petitions are directed as against the docket orders passed in I.A.No.1135 of 2016 in I.A.No.967 of 2016 in O.S.No.397 of 2016 and I.A.No.1136 of 2016 in O.S.No.397 of 2016, respectively dated 13.02.2017 on the file of learned Principal District Munsif, Gingee, thereby, dismissing the petitions to implead the petitioners as parties.

2. In both the Civil Revision Petitions, the petitioners are the proposed parties. The first respondent filed a suit for declaration and injunction as against the respondents 2, 3 and 5. That apart, he also prayed for issuance of Patta for the suit property, after changing the classification from street to Patta land. The first respondent also obtained interim

injunction as against the respondents 2, 3 and 5 herein. When the first respondent came to the suit property with the aid of JCB to destroy the road which is used by all the general public including the proposed parties herein, he proposed parties and other publics prevented the first respondent herein from destroying the road.

3. Though notice was served on the first respondent and the name is also printed in the cause list, no one appeared on behalf of the first respondent. Heard the learned counsel for the petitioners as well as the learned Government Advocate (CS) appearing for the respondents 2 to 5.

4. The case of the petitioners is that the suit property is a road, it is used by public from time immemorial i.e., for the past 60 years. There is a common road, to which the first respondent himself cannot be declared as absolute owner. Further, the first respondent also asked for re-classification of the street as Patta land and sought for issuance Patta from the Revenue Officials. The first respondent conveniently did not implead the other persons who use the said road. Therefore, the petitioners are necessary parties to the suit filed by the first respondent. Unfortunately, the Court

below without considering the above, simply dismissed the petitions.

5. In view of the above, these Civil Revision Petitions are allowed and the orders passed in I.A.No.1135 of 2016 in I.A.No.967 of 2016 in O.S.No.397 of 2016 and I.A.No.1136 of 2016 in O.S.No.397 of 2016, respectively dated 13.02.2017, are set aside. The Court below is directed to implead the petitioners as defendants in the injunction petition as well as the main suit. Thereafter, the Court below is directed to dispose of the suit within a period of six months from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petitions are closed. No costs.

11.03.2021

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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To

1. The Principal District Munsif Court, Gingee
2. The Executive Officer,
Selection Grade Town Panchayat Office,

5/7

Gingee Town.

3. The Assistant Director,
Town Panchayat Department,
Cuddalore.

4. The Revenue Tahsildar,
Gingee Town.

G.K.ILANTHIRAIYAN,J.

Kv

5. The District Collector,
Villupuram.



**CRP.PD.Nos.861
and 862 of 2017**

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