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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2021

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P (MD)No.1829 of 2017

and

C.M.P (MD) No.9691 of 2017

R.Paramasivan

... Revision Petitioner/
Petitioner

Vs.

1.The Executive Officer,
A/m Chokkalinga Swamy,
Thiru Kovil Ravana Samuthiram,
Ambasamudram.

2.Lakshmiammal

... Respondents/Respondents

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order passed in P.T.I.A.No.177 of 2015 in P.T.No.92 of 2015 dated 30.05.2017 on the file of Revenue Court, Tirunelveli and allow this civil revision petition and implead the civil revision petitioner in P.T.No.92 of 2015.

For Petitioner : Mr.T.Selvan

For R1 : Mr.S.Chellapandian

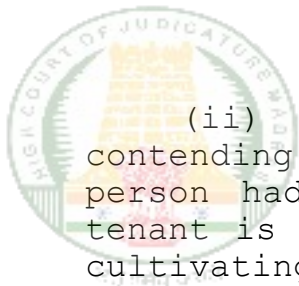
For R2 : No appearance

ORDER

The third party petitioner, who has sought to implead himself in the proceedings pending before the Special Deputy Collector, Tirunelveli, is the revision petitioner before this Court.

2.The facts in brief are as follows:-

(i) The first respondent temple had initiated the proceedings to evict the second respondent on the ground that he had committed default in the payment of rent to the first respondent temple. Pending the above proceedings, the revision petitioner herein filed an application to implead himself as a party respondent in the said proceedings. It is his case that he had purchased the property under three sale deeds all of the year 1974 and therefore, he was a necessary party to the proceedings as he would contend his presence is necessary to arrive at any decision in the proceedings before the Revenue Court.



(ii) The first respondent had filed a counter *inter alia* contending that the property belongs to the temple and that no other person had any right over the same. That apart, the cultivating tenant is already on record and the proceeding is for evicting the cultivating tenant on the ground of wilful default.

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(iii) The second respondent / cultivating tenant had also filed counter in which she has clearly and categorically stated that the patta in respect of the property is in the name of the temple and that the lands are now cultivated by her son to whom she had made over the lease and that they were not in arrears of rent to the first respondent. She has categorically stated that the revision petitioner is not a necessary party to the proceeding.

(iv) By order dated 30.05.2017, the Special Deputy Collector, Tirunelveli, was pleased to dismiss the said application stating that the revision petitioner is not a necessary party. Challenging the same, the revision petitioner is before this Court.

3. Heard the learned counsel for the petitioner and perused the records.

4. The petition before Revenue Court is for evicting the second respondent on the ground that she has been in default in the payment of rents. The second respondent has clearly admitted that the first respondent is his landlord. In this eviction petition the revision petitioner is neither a necessary nor a proper party to the proceedings. In theses circumstances, the authority below has rightly dismissed petition. Therefore, I do not find any reason to interfere with the order.

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

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cp

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To:-

The Revenue Court,
Tirunelveli.

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