



C.R.P(PD).No.2329 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

C.R.P.(PD).No.2329 of 2022
and C.M.P.No.11959 of 2022

Devaki
W/o.Chandrasekar
...Petitioner

..Vs.

- 1.C.Neepha
- 2.The Tahsildar,
Arakkonam, Ranipet District.
- 3.The Revenue Divisional Officer,
Ranipet, Vellore District.
- 4.The District Revenue Officer,
Ranipet, Ranipet District.
- 5.The Collector, Ranipet District.
- 6.The Village Administrative Officer,
Kainoor Village, Arakkonam Taluk Office,
Ranipet District.
- 7.The Head Surveyor, Arakkonam Taluk Office,
Arakkonam, Ranipet District.



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8.The Sub Registrar II, Arakkonam SR Office,
Arakkonam, Ranipet District.

9.The Inspector General of Registration,
Santhome, Chennai.

10.Rajavalliammal ..Respondents

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India, against the decreetal order dated 11.04.2022 made in I.A.No.2 of 2022 in O.S.No.137 of 2020 on the file of the Sub Court, Arakkonam.

For Petitioners : Mr.N.Sivaprakash

For Respondents : Mr.E.Vijayanand for R2 to R9
Additional Government Pleader.
No appearance for R1 & R10

ORDER

This Civil Revision Petition has been preferred challenging the order dated 11.04.2022 made in I.A.No.2 of 2022 in O.S.No.137 of 2020 on the file of the Sub Court, Arakkonam.

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2.Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader for the respondents 2 to 9 and perused the entire materials available on record.

3.The revision petitioner is the plaintiff, who has filed the suit in O.S.No.137 of 2020 for the relief of declaration and permanent injunction. During the pendency of the suit, the petitioner has filed an interlocutory application in I.A.No.2 of 2022 seeking certain amendments and the same was dismissed. Aggrieved over that, the petitioner has preferred this revision petition.

4.The learned counsel for the petitioner submitted that by way of amendment, the plaintiff wanted to include two more prayers, which he omitted to include while he filed the application; the amendment will not in any way change the nature of the suit and prayers can only be consequential and hence, the order of the learned trial Judge may be reversed.



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5.The learned Additional Government Pleader appearing for the respondents 2 to 9 submitted that being the Government Authorities, they have to abide by the order of the Court, since the plaintiff has filed a suit for declaration in respect of the settlement deeds dated 25.06.2007 and 18.10.1990 and the findings of the learned trial Judge on these settlement deed will determine the title of the parties and only in accordance with the judgment, the Government defendants can mutate or not to mutate the Revenue Records.

6.The records would show that the amendment was sought to include the following two reliefs:

(i)Declaration that the entry in Patta No.346, made by the Revenue Officials jointly in the name of the first respondent/first defendant and 10th respondent/10th defendant as null and void and not binding on the suit schedule property.



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(ii)Mandatory injunction, directing the respondents 2

*to 7/defendants 2 to 7 to incorporate name of the petitioner/
plaintiff in the Patta, in respect of the suit schedule
property.*

7.The suit itself has been filed for declaring the title of the plaintiff in pursuance of the settlement deed dated 25.06.2007 and to declare another settlement deed dated 18.10.1990 as null and void. Unless the Court decides on these settlement deeds, the entitlement of the plaintiff to mutate the Revenue Records will not arise. Even though the prayer for such mandatory injunction is sought against the Government Authorities, the Authorities are bound by the judgment of the Court and in the case in hand, the Government defendants are also parties to the suit. While that being the case, in the event of plaintiff getting the decree as prayed for, the same shall entitle him to effect the consequential mutation in the Revenue Records. Since the addition of the prayer sought for by the plaintiff is just superfluous, it is right for the learned trial Judge to dismiss



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the petition. Hence, I do not find any reason for interference.

8.In the result, this Civil Revision Petition is dismissed and the order dated 11.04.2022 made in I.A.No.2 of 2022 in O.S.No.137 of 2020 on the file of the Sub Court, Arakkonam, is hereby confirmed. No costs. Consequently, connected Miscellaneous Petition is closed.

22.08.2022

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Index:Yes No

Speaking Order:Yes/No

To

- 1.The Sub Judge, Arakkonam.
- 2.The Tahsildar,
Arakkonam, Ranipet District.
- 3.The Revenue Divisional Officer,
Ranipet, Vellore District.
- 4.The District Revenue Officer,
Ranipet, Ranipet District.
- 5.The Collector, Ranipet District.
- 6.The Village Administrative Officer,

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Kainoor Village, Arakkonam Taluk Office,
Ranipet District.

- 7.The Head Surveyor, Arakkonam Taluk Office,
Arakkonam, Ranipet District.
- 8.The Sub Registrar II, Arakkonam SR Office,
Arakkonam, Ranipet District.
- 9.The Inspector General of Registration,
Santhome, Chennai.
- 10.The Section Officer,
VR Section, Madras High Court, Chennai.



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R.N.MANJULA,J.

Vkr

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