



C.R.P.No.2866 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

C.R.P.No.2866 of 2022

1.M.Arunachalam

2.M.Parusuraman

3.M.Mahalingam

... Petitioners

Vs.

1.State of Tamil Nadu

Rep. By its District Collector,
Collector Office,
Ranipettai & District.

2.The Tahsildar,

Kalavai Taluk Office,
Ranipet District.

... Respondents

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the Docket order dated 29.06.2022 made in Un-numbered plaint in O.S.No. Of 2022 (FN:OS/462/2022)(CNR:TNVL130004292022) on the file of the Subordinate Judge Court, Ranipet and consequently direct the learned judge to number the suit on its file and to proceed further.

For Petitioners : M/s.J.Ramakrishnan

For Respondents : M/s.Dr.S.Suriya

Additional Government Pleader



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ORDER

This Civil Revision Petition is filed challenging the order of return passed by the Court below dated 29.06.2022 returning plaint filed by the revision petitioners to rectify the prayer and add necessary parties.

2. According to the petitioners/plaintiffs, the total extent in the suit survey No.67 in Melnelli Village, is 48 cents. The father of the petitioners/plaintiffs said to have purchased 6 ½ cents of undivided land in the said Survey No.67. It is also stated that one Chellan purchased another 6 ½ cents of the land in the same survey number on 30.04.1958. The Government appeared to have purchased remaining 35 cents from the original owner of the property namely Parthasarathy Naidu. Now the petitioners in the present suit wants partition and separate possession on their 6 ½ cents in the total extent of 48 cents. Though the petitioners added the Government as a party, the legal representatives of said Chellan who also said to have purchased 6 ½ cents were not added as a party. Therefore, in the return dated 29.06.2022, the Court below directed the petitioners to rectify the prayer and add necessary parties.



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3. The learned counsel for the petitioners on instruction from the party submits that the petitioners are ready to implead the legal representatives of the Chellan who are necessary parties. The learned Government Pleader appearing for respondents 1 and 2 on instruction submits that acquisition proceedings had been initiated through the Adi Dravidar and Tribal Welfare Department and by taking into consideration the possession of the property, patta had been given to the beneficiaries. In these circumstances, it is open to the petitioners to implead the necessary parties and represent the returned plaint.

4. If the petitioners represent the returned plaint after adding the necessary parties, to decide the controversy involved in the suit, the Court below is directed to number the plaint and dispose of the suit in accordance with law. The petitioners are directed to represent the rectified plaint before the Court below within a period of four weeks from the date of receipt of a copy of this order. With this direction, this Civil Revision Petition is disposed of. No costs.

16.11.2022

Index: Yes/ No
Speaking Order / Non-Speaking Order
jai



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S.SOUNTHAR, J.

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Note: Registry is directed to return the original plaint filed by the petitioners in the typed set of papers in Unnumbered O.S.No. Of 2022 (FN:OS/462/2022) (CNR:TNVL130004292022) to the counsel for the petitioners.

To

- 1.The Subordinate Court,
Ranipet.
- 2.State of Tamil Nadu
Rep. By its District Collector,
Collector Office,
Ranipettai & District.
- 3.The Tahsildar,
Kalavai Taluk Office,
Ranipet District.

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