



CRP.(PD).Nos.948 and 949 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.04.2023

Coram:

THE HONOURABLE **MR.JUSTICE P.VELMURUGAN**

C.R.P.(PD)Nos.948 and 949 of 2021 and
C.M.P.Nos.7659 & 7660 of 2021

1. N.Kandsamy
2. N.Mohan ... Petitioners in both the CRPs

Vs.

1. Mehrunnisa
2. Basheer
3. Shayedha @ Shaidunnissa
4. Abidha Begum @ Abiduninsa
5. Rasheeda @ Raseedunnisa
6. Nasirabegam
7. Mohamed Zaheer
8. K.Mohamed Ariff
9. Nafeesa Begum @ Nafeesuninsa
10.Zaidunnisa
11.K.Anitha
12.G.Saravanan
13.The District Revenue Officer,
Chengalpattu District,
(formerly Kanchipuram District),
Chengalpattu.
14.The Tahsildar,
Thiruporur Taluk,
Chengalpattu District.
15.The District Collector,
Chengalpattu District,
(formerly Kanchipuram District),
Chengalpattu ... Respondents in CRP.No.948/21



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1. Muktharunnisa
2. Bilal
3. Mohammed Jalal
4. Fathima Banu
5. Saraunissa @ Saru Begum
6. Tasimunisa @ Tasleem
7. Sheerin Mustaq
8. Mohamed Mustaq
9. Mohamed Ejaz
10. Thahisin Sulthana
11. Nasemunisa @ Naseema Begum
12. Adhilaunisa @ Aadhhila Begam
13. Farook Basha @ Parubhasha
14. Afsarunisa @ Apsar Fathima
15. Hilalunisa @ Hilal Fathima
16. Mohamed Siddique @ Siddique Basha
17. Basheer @ Abdul Basheer
18. Shayeedha @ Shaidunnissa
19. Abidha Begum @ Abiduninsa
20. Rasheeda @ Raseedunnisa
21. Nasirabegam
22. Mohamed Zaheer
23. K. Mohamed Ariff
24. Nafeesa Begum @ Nafeesuninsa
25. Zaidunnisa
26. K. Anitha
27. G. Saravanan

28. The District Revenue Officer,
Chengalpattu District,
(formerly Kanchipuram District),
Chengalpattu

29. The Revenue Divisional Officer,
Chengalpattu Region,
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Chengalpattu.



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30.The Tahsildar,
Thiruporur Taluk,
Chengalpattu District.

31.The District Collector,
Chengalpattu District,
(formerly Kanchipuram District),
Chengalpattu. ... Respondents in
CRP.No.949/21

Civil Revision Petitions have been filed under Article 227 of the Constitution of India against the orders dated 06.01.2021 made in I.A.Nos.83 of 2020 and 1178 of 2019 in O.S.No.39 of 2017 pending on the file of the District Munsif Court, Chengalpattu.

For Petitioners : Mr.K.Mahalingam in both the CRPs

For Respondents : Mr.S.Sugendran
Additional Public Prosecutor
for R13 to R16 in CRP.No.948/21
& for R28 to R31 in 949/21

COMMON ORDER

These civil revision petitions have been filed against the orders dated 06.01.2021 made in I.A.Nos.83 of 2020 and 1178 of 2019 in O.S.No.39 of 2017 pending on the file of the District Munsif Court, Chengalpattu.



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The petitioners have filed suit in O.S.No.39 of 2017 for declaration and injunction, in which the first respondent in CRP.(PD).No.948 of 2021 has filed an application in I.A.No.83 of 2020 seeking to implead her as 16th defendant and the respondents 1 to 16 in CRP.(PD).No.949 of 2021 have filed an application in I.A.No.1178 of 2019 seeking to implead them as defendants 16 to 31 in the above suit. The trial Court after hearing both the parties, by an order dated 06.01.2021 allowed both the applications and impleaded the applicant in I.A.No.83 of 2020 as 16th defendant and the applicants in I.A.No.1178 of 2019 as defendants 17 to 32 in the suit, against which, the plaintiffs have filed the present civil revision petitions.

3 Learned counsel appearing for the petitioners/plaintiffs would submit that the petitioners are the absolute owners of the suit properties being agricultural lands, comprised in Survey Nos.219/1, 219/2, 219/4, 219/5, 219/6 and 217/3, totally to an extent of 1 Acre 57 Cents, situated at No.43, Padur Village, Kelambakkam Fikra, Chengalpattu Taluk, now in Thiruporur Taluk, Chengalpattu District,



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having been bonafidely purchased the same from one Mehrunnisa wife of Hyatha Basha and her son Sadiq Basha (now deceased) by a Deed of Sale dated 25.11.1986 and registered as Document No.2609 of 1986 on the file of the Sub-Registrar, Thiruporur, based on which, the petitioners are in possession and enjoyment of the property and patta was also granted in favour of the petitioners vide Patta No.346. One K.Anitha, in the capacity of Power Agent of C.A.Kabeer, suppressing the proceedings in O.S.No.159 of 1986 and A.S.No.35 of 2002, applied for cancellation of patta stands in the name of the petitioners/plaintiffs. The then Tahsildar, ignoring the objections raised by the petitioners/plaintiffs, cancelled the patta granted in favour of the petitioners on 26.07.2011 stating that the petitioners/plaintiffs have not produced their original Sale Deed and issued patta in favour of Power Agent K.Anitha and her Principal C.A.Kabeer, exceeding his jurisdiction.

3.1 The learned counsel would further submit that challenging the aforesaid orders, the petitioners/plaintiffs filed an appeal before the RDO and then filed appeal to the DRO and the same were dismissed and hence the petitioners have filed the suit in



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O.S.No.39 of 2017 seeking to declare the proceedings of the revenue authorities cancelling the patta in favour of the petitioners and granting patta in favour of the said Anitha and C.A.Kabeer, as null and void. The first respondent viz. Mehrunnisa in C.R.P(PD)No.948 of 2021 has filed I.A.No.83 of 2020 seeking to implead her in the suit in O.S.No.39 of 2017 as 16th defendant. It is to be noted that the said Mehrunnisa is the vendor of the petitioners/plaintiffs, who sold the property way back in the year 1986 and hence she has no *locus standi* to implead herself in the suit, since the suit is filed by the petitioners/plaintiffs against the proceedings for cancellation of patta issued in favour of the petitioners initiated by the said C.A.Kabeer.

3.2 The learned counsel would further submit that the respondents 1 to 16 in C.R.P.No.949 of 2021 have filed an interlocutory application in I.A.No.1178 of 2019 seeking to implead them as defendants in the suit in O.S.No.39 of 2017 stating that they are necessary parties to the suit. The learned District Munsif allowed the application on the ground that the impugned proceedings have been communicated to the respondents 1 to 16 also. Mere communication of the impugned proceedings will not confer any right



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on the respondents 1 to 16 on the properties and they are no way connected with the reliefs sought for by the petitioners/plaintiffs in the suit. Earlier the parties have filed civil revision petition before this Court to struck off the plaint in the O.S.No.39 of 2017 and since this Court dismissed the same, they have now filed this application to prolong the suit proceedings. The documents relied on by the learned District Munsiff to implead the respondents 1 to 16 is only created by them that too after filing of the suit, for the purpose of filing the application to implead them in the suit and to prolong the suit proceedings.

3.3 The learned counsel quoting the above points, submitted that the applicants in both the I.A.Nos.1178 of 2019 and 83 of 2020 are not necessary parties and they are no way connected with the reliefs sought for by the petitioners/plaintiffs in the suit in O.S.No.39 of 2017 and hence the orders of the learned District Munsif, which are impugned in these civil revision petitions are liable to be set aside.

4 Heard the learned counsel appearing on either side and



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perused the materials available on record.

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5 According to the petitioners/plaintiffs, the applicants in both the applications in I.A.Nos.1178 of 2019 and 83 of 2020 are not necessary parties and the learned District Munsif has erroneously allowed the applications and impleaded the respondents as party to the suit.

6 It is seen that the learned Magistrate found that the respondents 1 to 16 in C.R.P(PD).No.949 of 2021 and the first respondent in C.R.P(PD).No.948 of 2021 are party to the impugned proceedings and hence impleaded them as they are necessary parties to the suit.

7 Admittedly the respondents 1 to 16 in C.R.P(PD).No.949 of 2021 and the first respondent in C.R.P(PD).No.948 of 2021 are party to the impugned proceedings and impugned proceedings have been communicated to them. Further they are parties to the earlier suit filed by the petitioners/plaintiffs viz. O.S.No.1740 of 2017



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seeking to declare the exparte decree obtained in O.S.No.8667 of 1985 as against the vendors of the petitioners/plaintiffs, as null and void. It is seen from the records that this Court by an order dated 09.07.2019 struck off the plaint in O.S.NO.1740 of 2017 on the ground of re-litigation, abuse of process of Court and further barred by the provisions of Order II Rule 2 of the CPC.

8 A careful perusal of the documents available on record shows that the respondents 1 to 16 in C.R.P(PD).No.949 of 2021 and the first respondent in C.R.P(PD).No.948 of 2021 i.e. proposed defendants in the suit in O.S.No.39 of 2017 are already participated in suit proceedings initiated by the very same petitioners/plaintiffs with regard to the same properties and they are necessary parties to the present suit.

9 This Court does not find any illegality or infirmity in the order passed by the learned District Munsif, Chengalpattu, in I.A.Nos.1178 of 2019 and 83 of 2020 dated 06.01.2021. No prejudice would be caused to the petitioners/plaintiffs, if the said respondents are impleaded in the suit in O.S.No.39 of 2017 and hence there is no



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valid reason to interfere with the orders passed by the learned District Munsif impleading the said respondents as defendants in the suit.

10 In view of the above observations and for the foregoing reasons, these civil revisions petitions are dismissed. Consequently connected miscellaneous petitions are closed. However, the defendants in the suit including the newly impleaded defendants are directed to file their written statement within 30 days from the date of receipt of a copy of this order and thereafter the learned District Munsiff is directed to frame the issues and dispose of the suit on day to day basis within a period of six months.

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Index:Yes/No

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To

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P.VELMURUGAN, J.,

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Pre-delivery order in
C.R.P.(PD)Nos.948 and 949 of 2021 and
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