



C.R.P.No.1819 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2023

CORAM

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

C.R.P.No.1819 of 2021
and C.M.P.Nos.14114 of 2021, 19412, 19414 of 2022 and 8434 of 2023

- 1.Venkatachalam
- 2.Periyasamy
- 3.Chellammal
- 4.Palaniammal
- 5.Settu
- 6.Vaiyapuri
- 7.Mutammal
- 8.Kannupillai
- 9.Thangamani
- 10.Sagunthala
- 11.Govindaraj
- 12.Selvaraj

... Petitioners

-VS-

Selvan

... Respondent

PRAYER: Civil Revision Petition filed under Section 115 of the Civil



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Procedure Code, pleaded to set aside the order of the learned RDO dated 25.01.2021 of the learned Special Deputy Collector (Revenue Court), Tiruchirapalli in P.No.03/2015 (Erode).

For Petitioners : Mrs.Y.Kavitha

For Respondents : Mr.N.Manokaran

ORDER

This Civil Revision Petition filed to set aside the order of the learned RDO dated 25.01.2021 of the learned Special Deputy Collector (Revenue Court), Tiruchirapalli in P.No.03/2015 (Erode).

2. Pending the Civil Revision Petition, the petitioners 1 and 5 in the above Civil Revision Petition have filed CMP No. 8434 of 2023 seeking to implead the respondents 12 to 18 in the miscellaneous petition as respondents 2 to 8 in the aforesaid Civil Revision Petition.

3. The Revision Petition is filed by twelve persons claiming



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themselves to be the cultivating Tenants in respect of the lands in question.

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4. The Respondent in the Civil Revision Petition, as Landlord, had filed P.No.3 of 2015 (Erode) on the file of the Revenue Court at Tiruchirapalli seeking to recover the arrears of rent from the revision petitioners herein/cultivating tenants. After service of notice on the cultivating Tenants who were twelve in numbers and after hearing both parties, based on the enquiry conducted by the Revenue Court, Trichy, the order dated 25.01.2021 was passed allowing the petition in P.No.3 of 2015 *inter alia* directing the revision petitioners herein to pay Rs.5,07,000/- within 15 days from the date of the order dated 25.01.2021. It is as against the said order dated 25.01.2021, the present Civil Revision Petition has been filed.

5. When the Civil Revision Petition was taken up for admission on 03.09.2021, this Court had directed the Revision Petitioners to deposit 50% of the amount directed to be paid by the Revenue Court, Tiruchirapalli on or before 23.12.2021, failing which the Respondent can proceed further to evict



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the revision Petitioners from the lands in question, as per the order dated 25.01.2021 of the Revenue Court. For reporting compliance, the Civil Revision Petition was directed to be posted for compliance. Subsequently, when the Civil Revision Petition was taken up for hearing on 27.04.2022, this Court directed the revision petitioners to pay the entire amount of Rs.5,07,000/- as determined by the Revenue Court, on or before 23.12.2022 failing which the respondent was given liberty to proceed further to evict the revision petitioners from the lands in question.

6. It is seen from the records that thereafter, the Civil Revision Petition was taken up for hearing on 02.01.2023, 10.01.2023, 30.01.2023 and 15.02.2023 however, the Revision Petitioners (cultivating Tenants) had not paid the amount as directed by this Court.

7. It is the submission of the learned counsel for the Respondent that the Petitioners were directed to deposit half of the amount based on the representation of the learned counsel for the Petitioners on 03.09.2021, but the amount was not deposited. Subsequently, the Revision Petitioners



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approached this Court and sought time to deposit the amount but even after extension of time, the amount has not been deposited. When the Revision Petition came up for hearing on various dates, the learned counsel for the Revision Petitioners only sought for adjournments and dragged on the case. Since the Revision Petitioners had not complied with the condition imposed by this Court, as per the order passed in the P.No3 of 2015, the respondent herein had approached the Revenue Court for eviction of the Tenants. Accordingly, as per the proceedings of the Revenue Court dated 27.04.2022 the Petitioners were evicted. Evidencing that the revision petitioners were evicted from the lands in question, the Tahsildar, Sankagiri, Salem District in her proceedings in Na.Ka.No.2510/2022/C dated 02.06.2022 has submitted a report to the Revenue Court, Tiruchirapalli stating that the revision petitioners have been evicted from the lands in question. Therefore, the learned counsel for the respondent submitted that nothing survives for adjudication in the present Civil Revision Petition and the relief sought for in the Civil Revision Petition has become infructuous.

8. However, the learned counsel appearing for the revision petitioners



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submitted that pending the Civil Revision Petitions, the lands in question have been alienated by the respondent in favour of the proposed respondents 12 to 18 and therefore, impleading them in this Civil Revision Petition is necessary. Accordingly, the learned counsel for the revision petitioners prayed for allowing this petition for impleading the respondents 12 to 18 as they are proper and necessary parties to this Civil Revision Petition for adjudication.

9. Heard the learned counsel for the revision petitioners as well as the learned counsel for the sole respondent in the Civil Revision Petition and perused the records.

10. On 25.01.2021, the Revenue Court, Tiruchirapalli passed an order directing the revision petitioners to pay a sum of Rs.5,07,000/- towards arrears of rent. As against the same, the present Civil Revision Petition is filed. On 25.01.2021, this Court directed the revision petitioners to deposit 50% of the amount determined by the Revenue Court, as a condition precedent for granting interim stay, but it was not complied with.



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Subsequently, when the Revision Petition was taken up for hearing on 27.04.2022, this Court directed the revision petitioners to deposit the entire amount of Rs.5,07,000/- on or before 23.12.2022. In spite of sufficient time having been granted, the revision petitioners did not deposit the amount, as directed by this Court. While so, the present petition to implead the respondents 12 to 18 in this petition has been filed on 15.03.2023 on the ground that the lands in question have been alienated by the sole respondent in favour of the respondents 12 to 18 in this petition and therefore, they are proper and necessary parties for adjudication of this Civil Revision Petition.. However, it is brought to the notice of this Court by the learned counsel for the sole respondent in the Civil Revision Petition that the revision petitioners have been evicted from the lands in question. Therefore, nothing survives for adjudication. The learned counsel for the sole Respondent in the Civil Revision Petition also filed documents to prove that this revision petition has become infructuous on the strength of the following submissions:

<i>Date</i>	<i>Description of Documents</i>
27.04.2022	Delivery order passed in E.P.No.3 of 2015
02.06.2022	Delivery Report in E.P.No.3 of 2015
11.07.2022	Settlement deed executed by the respondent to Sampooranam



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<i>Date</i>	<i>Description of Documents</i>
12.07.2022	Sale deed executed by the respondent to S.Jayadhev
07.09.2022	Partition deed between the family members of P.Selvi and others
---	FMB Sketch
18.10.2022	Objection given by the second petitioner to the Sub Registrar
13.12.2022	Order passed in C.R.P.No.1819 of 2021
22.12.2022	Encumbrance Certificate
---	Photographs taken at the time of delivery

11. Therefore the Civil Miscellaneous Petition filed by the Petitioner in revision petition seeking to implead the parties, to whom the land in question was alienated by the Respondent are not necessary to be impleaded at this stage. It is also stated that except the two Revision Petitioners before this Court, all others accepted the proceedings initiated against them, but the petitioners herein alone have filed this petition to implead only to cause harassment to the sole Respondent in the Civil Revision Petition. The submission of the learned counsel for the sole Respondent in the Civil Revision Petition is having adequate force in the light of the records furnished by him. Therefore, this Court hold that the Civil Revision Petition itself has become infructuous.



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12. In the light of the above, the Civil Revision Petition is dismissed as having become infructuous. No costs. C.M.P. No.8434 of 2023 is dismissed and C.M.P.Nos.14114 of 2021, 19412, 19414 of 2022 are closed.

08.06.2023

rna

Index : Yes / No

Internet : Yes / No

To

The learned Special Deputy Collector (Revenue Court),
Tiruchirapalli.

SATHI KUMAR SUKUMARA KURUP,J



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