



C.R.P.Nos.2199 and 2225 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2023

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.Nos.2199 and 2225 of 2019
and C.M.P.Nos.14260 and 14413 of 2019

Thangaraj

.. Petitioner in both C.R.Ps
Vs.

1. The Tahsildar,
Annur.
2. The Tahsildar,
Coimbatore North.
3. The Revenue Divisional Office,
Coimbatore.
4. The District Collector,
Coimbatore.
5. The Block Development Officer,
Annur.
6. The President,
Kattampatti Panchayat
7. K.N.Thambi
8. Shanthi
9. Aridas
10. V.S.Gopalsamy

.. Respondents in both C.R.Ps



Prayer in C.R.P.No.2199 of 2019:- Civil Revision Petition filed under Article 227 of Constitution of India to set aside the Fair and Final order passed in I.A.No.16 of 2018 in I.A.No.3548 of 2013 in O.S.No.3280 of 2013 on the file of the V Additional District Munsif, Coimbatore dated 28.02.2019 and allow the Civil Revision Petition.

Prayer in C.R.P.No.2225 of 2019:- Civil Revision Petition filed under Article 227 of Constitution of India to set aside the Fair and Final order passed in I.A.No.17 of 2018 in O.S.No.3280 of 2013 on the file of the V Additional District Munsif, Coimbatore dated 28.02.2019 and allow the Civil Revision Petition.

In both C.R.Ps

For Petitioner	: Mr.T.Arokhiaaraj for Mr.V.Sivakumar
For R1 to R5	: Mr.C.Sathish Government Advocate
For R6	: Mr.D.Suryanarayanan
For R7 to R10	: Mr.R.Murali

COMMON ORDER

These Civil Revision Petitions have been filed as against the Fair and Final order passed in I.A.No.16 of 2018 in I.A.No.3548 of 2015 in O.S.No.3280 of 2013 on the file of the V Additional District Munsif, Coimbatore dated 28.02.2019 and the Fair and Final order passed in I.A.No.17 of 2018 in O.S.No.3280 of 2013 on the file of the V Additional District Munsif, Coimbatore



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dated 28.02.2019, thereby allowing the petitions filed under Order 1 Rule 10(2)

WEB COPY CPC, impleading the respondents 7 to 10 herein.

2. The petitioner is the plaintiff and the respondents 1 to 6 herein are the defendants in the suit in O.S.No.3280 of 2013 filed for declaration and injunction in respect of the suit schedule property. Pending suit, the respondents 7 to 10 herein filed petitions to implead themselves as parties to the suit as well as the temporary injunction application filed by the petitioner herein and the same were allowed. The petitioner also prayed for declaration of the suit property challenging the order passed by the third respondent herein dated 23.01.2012 vide Na.Ka.No.12216/2010/A1. Initially the petitioner was granted patta in respect of the suit schedule property and thereafter on the instance of the respondents 7 to 10 herein, it was cancelled by an order dated 23.01.2012.

3. Subsequently, it was challenged by the petitioner before this Court in W.P.No.2556 of 2012. This Court, by an order dated 25.09.2014, dismissed the writ petition. In the said writ petition, the 10th respondent herein was shown as fourth respondent. Subsequently, 10th respondent herein also filed a writ petition before this Court in W.P.No.39597 of 2015 directing the official respondents to



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complete the eviction proceedings and to remove the illegal encroachments made in the suit property by the petitioner herein. The Hon'ble Division Bench of this Court, by an order dated 22.01.2016, directed the Revenue officials to conduct an enquiry and pass appropriate orders on merits and in accordance with law. Therefore, the respondents 7 to 10 are the necessary parties in the present suit and the Court below rightly allowed them to be impleaded as defendants in the suit as well as in the petition filed seeking temporary injunction filed by the petitioner herein and this Court finds no infirmity or illegality in the orders passed by the Court below and this revision is liable to be dismissed.

4. Accordingly, these Civil Revision Petitions are dismissed. Consequently, connected Miscellaneous petitions are closed. No costs.

02.01.2023

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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G.K.ILANTHIRAIYAN,J.

mn

To

The V Additional District Munsif, Coimbatore.

C.R.P.Nos.2199 and 2225 of 2019
and C.M.P.Nos.14260 and 14413 of 2019

02.01.2023