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C.R.P. No.3591 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2023

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

C.R.P.No.3591 of 2023
and
C.M.P.No. 22492 of 2023

D.Kumaravelan,
S/o. Dharman

... Petitioner

Vs.

1. G.Rajendiran,
S/o. Govindarajulu

2. D.Prabhakar,
Authorised Signatory of RAR
Corporate Services Pvt. Ltd.,
rep. by their Asst. Manager

... Respondents

PRAYER: Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the return of the petition in I.A.SR No.2303 of 2021 in O.S.No. 87 of 2014, docket order dated 06.07.2023, pending on the file of Subordinate Judge, Tiruttani and consequently order the petition to be numbered and taken on file.



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For Petitioner

: Mr.Vijayakumar,
Senior Advocate for
Mr.K.N.Pandian

ORDER

Challenging the docket order passed by the Sub-Judge, Tiruttani in unnumbered I.A.SR. No.2303 of 2021 filed by the defendant under Order 1 Rule 10(2) of C.P.C. praying to implead proposed parties, who are the Government Officials viz., Tahsildar, District Collector, District Revenue Officer and Revenue Divisional officer as defendants 3 to 6 in the above Suit for the reason that there was an error committed during UDR Scheme. However, based on that erroneous order, UDR patta was issued in favour of plaintiffs' vendor, thereby revenue officials are necessary parties to the proceedings. But the trial judge without taking the application on file, it was returned as per docket order reads as follows :-

“The petition is not maintainable under Patta Passbook.

Hence, returned.”

2. Since the relief is claimed against the trial judge, notice to the respondents is dispensed with.



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3. The learned counsel for Revision Petitioner would submit that the entire plaint averment reveals that the plaintiffs claimed title over the property based on the UDR patta, but before their purchase, the defendant purchased the property from the original vendor. So, with regard to the title, there is a dispute. Hence, unless the revenue officials are added as necessary parties in respect of erroneous order passed during UDR Scheme, it cannot be adjudicated. So, they are necessary parties to the proceedings, but without numbering the application, the trial judge returned the same, as such is unwarranted one. Therefore, he prayed to issue a suitable direction.

4. Records perused. The original suit O.S. No. 87 of 2014 was filed by the plaintiffs seeking for the relief of declaration and other consequential relief against the defendants, more particularly, with regard to cancellation of sale deed stands in the name of defendant. The defendant claimed title over the suit property based on the purchase, so also the plaintiff, but their main contention is that the said erroneous UDR patta was issued in favour of vendor of the plaintiffs. According to the defendant, during UDR scheme, an error was committed by the revenue officials while issuing UDR patta. But the trial judge without giving opportunity, returned the said application.



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Accordingly, this Civil Revision Petition is allowed and the trial judge is directed to take the interlocutory application vide I.A.SR.No. 2303 of 2021 on file and dispose the same within a period of eight weeks from the date of receipt of copy of this order without influence of the findings of this court. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

04.10.2023

Index : Yes / No
Internet : Yes / No
Speaking/Non-speaking order
rpp

N.B. :- Issue order copy today

To

Sub-Judge,
Tiruttani.



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T.V.THAMILSELVI, J.

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