



C.R.P(MD)No.561 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.03.2023**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.561 of 2023

and

C.M.P(MD)No.2634 of 2023

Rajendran

... Petitioner/Petitioner/
3rd Party

Vs.

1.P.Pandiarajan

2.Mahalakshmi

... Respondents/Respondents 1&2/
Plaintiffs

3.The Commissioner,
Madurai Corporation,
Annak Maligai, Tallakulam,
Madurai.

4.The Town Planning Officer,
Madurai Corporation,
Annamaligai, Tallakulam,
Madurai.

5.The Assistant Commissioner,
Madurai, 1st Zone, T.B.Road,
Madurai.

6.The Assistant Town Planning Officer,
Madurai Corporation,
T.B.Road,
Madurai.

... Respondents/Respondents 3-6/
Defendants 1-3



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PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records relating to the decree and judgment dated 25.01.2023 passed by the learned Principal District Munsif Court, Madurai Town in I.A.No.51 of 2020 in O.S.No.565 of 2019 and to set aside the same by allowing the civil revision petition.

For Petitioner : Mr.K.C.Ramalingam

ORDER

A third party to a suit for bare injunction had filed an application under Order 1 Rule 10 of Code of Civil Procedure to get himself impleaded.

2. The suit has been filed for permanent injunction in relation to Survey No.6/1B1. According to the third party, he is the adjacent owner and his survey number is 6/1B3. The plaintiff in the present suit is under the guise of getting permanent injunction for Survey No.6/1B1 and he is encroaching upon the adjacent survey number, namely Survey No.6/1B3. Though the plaintiff in the suit had got building plan approval only for Survey No.6/1B1, he has already encroached upon the adjacent survey number belonging to the proposed party, namely Survey No.6/1B3. In view of the above said facts, the proposed party/revision petitioner has



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already filed O.S.No.277 of 2019 for the prayer of declaration and recovery of possession.

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3. In the present suit, the third party has filed I.A.No.51 of 2020 to get himself impleaded in a suit which has been filed for Survey No. 6/1B1. The trial Court has rightly dismissed the said application on the ground that proposed party is not making any claim over Survey No. 6/1B1. This Court does not find any reason to interfere in the said order. Any decree that is going to be passed in O.S.No.565 of 2019 will not be binding upon the proposed party and he has to work out his remedy in his suit, namely O.S.No.277 of 2019 which has been filed for declaration of title and recovery of possession.

4. With these observations, this Civil Revision Petition stands dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

03.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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- To
- 1.The Principal District Munsif Court,
Madurai Town.
 - 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR ,J.

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Order made in
C.R.P(MD)No.561 of 2023

03.03.2023