



W.A.(MD) No.835 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.06.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A.(MD) No.835 of 2023
and
C.M.P.(MD) No.6782 of 2023**

Ramakodi

... Appellant

-vs-

1.Jayashree N.Patel

2.The District Revenue Officer
Madurai District, Madurai

3.The Tahsildar
Madurai South Taluk
Madurai

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 08.02.2023, passed in W.P.(MD) No.2488 of 2023, on the file of this Court.

For Appellant : Mr.R.Devaraj

For Respondents : Mr.M.Dinesh Hari Sundarsan for R1
Mr.S.P.Maharajan
Special Government Pleader for R2 & R3



W.A.(MD) No.835 of 2023

J U D G M E N T

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[Judgment of the Court was made by R.SUBRAMANIAN, J.]

We see no cause to prejudice for the appellant in view of the order of the Writ Court. Though the challenge before the Writ Court was to the proceedings regarding mutation of revenue records, the Writ Court has only observed that the same will be subject to the result of the pending civil suit and permitted the first respondent / writ petitioner to implead herself as a co-plaintiff in the said suit.

2. Mr.R.Devaraj, learned counsel appearing for the appellant, would, however, take a very serious objection to the fact that the Writ Court had directed the Civil Court to allow the application straightaway, even without notice to the defendants, and proceed with the suit.

3. No doubt, principles of natural justice and *audi alteram partem* should be followed by the Civil Court also. However, in cases of this nature, when the Court finds that the petitioner being a necessary party to the suit is entitled to be impleaded in the suit, there is nothing wrong in the Court, particularly under Article 226 of the Constitution of India, issuing such direction for impleading, even without notice. We, therefore, do not find any



W.A.(MD) No.835 of 2023

serious error or irregularity in the order of the Writ Court to compel us to interfere with in the appeal. To be noted, the appellant was not heard before the Writ Court and hence, the observations made by the Writ Court will not be binding on him. We also make it clear that the Civil Court will dispose of the suit, without being influenced by any of the observations made by the Writ Court in its order or by us in this Judgment.

4. The writ appeal is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

14.06.2023

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

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To:

1.The District Revenue Officer,
Madurai District,
Madurai.

2.The Tahsildar,
Madurai South Taluk,
Madurai.



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W.A.(MD) No.835 of 2023

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