



C.R.P.(MD)No.1950 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

C.R.P.(MD)No.1950 of 2019
and C.M.P.(MD)No.9949 of 2019

1.Dhanapathi
2.Govindasamy
3.Umapathi ... Revision Petitioners/ Respondents/Appellants
Vs.

1.Chinnappa Narankiyar
2.State Rep. by the
District Collector,
Pudukkottai. ... Respondents / Petitioners/Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, against the order, dated 10.01.2019, passed in I.A. No.36 of 2017 in I.T.C.M.A.No.1 of 2007, on the file of the Principal Subordinate Judge, Pudukkottai.

For Petitioners : Mr.D.Gurusamy

For Respondents : Mr.M.Paranjothi for R1

: Mr.M.Senthil Ayyanar
Government Advocate for R2



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ORDER

The instant Civil Revision Petition has been filed against the order, dated 10.01.2019, passed in I.A. No.36 of 2017 in I.T.C.M.A.No.1 of 2007, on the file of the Principal Subordinate Judge, Pudukkottai.

2. The revision petitioners are the respondents/appellants and the respondents herein are the petitioners / respondents before the Court below.

3. The learned counsel for the revision petitioners would submit that he has moved the application under the Inam Abolition Act, in respect of certain property in Mootampatti Village, Kulathur Taluk, Pudukkottai District. In which, one Chinnappa Narankiyar, who is the first respondent herein, has filed an application to implead him as a party to the said Appeal in I.T.C.M.A.No.1 of 2007. According to the said proposed party, the Government has not effectively contested the case and that the property which the petitioners sought for patta, is a Waterbody, therefore, unless he has been impleaded the right of the villagers, could not be protected.



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4. The Court below has allowed the said application on the ground that the Government did not file any counter statement.

5. Aggrieved with the said order, the revision petitioners are before this Court by filing the instant Civil Revision Petition.

6. The learned counsel for the revision petitioners would submit that the first respondent is neither proper nor necessary party. It is settled principle of law that in any proceedings, the necessary party means the party without their presence, an order could not be passed effectively. In this case, admittedly, the land belongs to the Government. Though the first respondent says that the land does not belong to the Government, he himself categorically admitted in his petition that the land is a “Waterbody and Anathinam land”. Therefore, according to the said contention, he has no personal right over the property and he has filed only on the ground his presence will help the villagers.



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7. But, this Court is not in a position to entertain the petition on the ground that the property is allegedly vested with the Government and the Government alone is a necessary and proper party.

8. In view of the above ground, this Court could not find any justification in allowing the impleading application. Therefore, this Court is inclined to interfere with the order of the Court below.

9. In the result, the instant Civil Revision Petition stands allowed and the order of the Court below is hereby set aside. There shall be no order as to cost. Consequently, connected Miscellaneous Petition is closed.

08.09.2023

NCC : Yes/No

Index : Yes/No

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To

- 1.The Principal Subordinate Judge,
Pudukkottai.
- 2.The District Collector,
Pudukkottai.
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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C.KUMARAPPAN.,J.

Ls

Order made in

C.R.P(MD)No.1950 of 2019

08.09.2023