



C.R.P.(MD).No.2296 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

C.R.P.(PD)(MD)No.2296 of 2017

and

C.M.P(MD) No.11131 of 2017

B.Venkatesh Prabu

... Revision Petitioner/Petitioner
Proposed Party

-vs-

1. S.Subramani
2. S.Premalatha

... Respondents 1 and 2/Respondents 1
and 2/Plaintiffs 1 and 2

3. The Executive Officer,
Ayyampalayam Town Panchayat,
Athur Taluk,
Dindigul District.

4. The Tahsildar,
Athur Taluk Office,
Athur,
Dindigul District.

5. The Revenue Divisional Officer,
The Revenue Divisional Office,
Dindigul,
Dindigul District.



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6. The District Revenue Officer,
The District Revenue Office,
Dindigul,
Dindigul District.

7. The District Collector,
Dindigul District,
Dindigul.

... Respondents 3 to 7/ Respondents 3 to 7/
Defendants 1 to 5

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decreetal order passed in I.A.No. 183 of 2016 in O.S.No.175 of 2015, dated 12.07.2017 on the file of the District Munsif Court, Nilakkottai, Dindigul District.

For Petitioner : Mr.B.Babu

For Respondents : Mr.J.Barathan – for R1 and R2
: Mr.M.Senthil Ayyanar
Government Advocate – for R3 to R7

ORDER

The present Civil Revision Petition has been filed by the petitioner under Article 227 of the Constitution of India, against the fair and decreetal order passed in I.A.No.183 of 2016 in O.S.No.175 of 2015, dated 12.07.2017 on the file of the District Munsif Court, Nilakkottai, Dindigul District.



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2. The short facts which gives rise to the instant Civil Revision Petition are that the revision petitioner is the third party. The plaintiff has filed the suit in O.S.No.175 of 2015 against the official defendants for the relief of declaration and injunction.

3. The revision petitioner has filed an application to implead himself in the above suit on the apprehension that the Government will not effectively contest the suit, and that only based upon his petition, the patta stands in the name of the second respondent has been cancelled. Therefore, she is necessary and proper party.

4. Further, the learned counsel appearing for the respondents 1 and 2 would submit that the petitioner herein no way connected to the suit property, and it is only between the Government and the respondents 1 and 2.

5. The learned Government Advocate also objected this application on the ground that the plaintiff in the suit has got alternative relief. Therefore, he would also submit that the petition is not maintainable.



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6. This Court has given anxious consideration to the submissions of the learned counsel on either side.

7. In order to implead the petitioner, he should be either necessary or proper party. Whereas in this case, as per the averments made in the affidavit, he has not stated as to how he is necessary and proper party to the proceedings, and what he says is that he only know the facts of the case, and he would also submit that in respect of the suit and to support the defendants, he has all the documents in his hand. That is the only reason, put forth by him in his affidavit so as to implead himself before the trial Court.

8. It is well settled principles of law that since because of the persons having some knowledge about the suit proceedings, that itself is not a sufficient ground for impleading. The plaintiffs are the *dominus litus*, and he can choose, against whom, he need the relief. According to the plaint averments, the suit property was originally belonged to the Government, and based upon their enjoyment, patta was assigned in their name. Therefore, in such pleadings, the petitioner who does not have any right over the suit property, cannot be impleaded. If at all the petitioner is interested in this



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issue, he may very well appear as witnesses on behalf of the respondents, if the respondents is willing to examine him. Therefore, the learned trial Judge after going into various aspects, ultimately rejected the prayer of the petitioner. This Court also could not find any infirmity in the said order.

9. In the result, the Civil Revision Petition stands **dismissed**. At this juncture, the learned Government Advocate would submit that considering the nature of the suit in O.S.No.175 of 2015, he prayed for early disposal. Therefore, the learned trial Judge is directed to dispose of the suit in O.S.No. 175 of 2015 within a period of six months from the date of receipt of the copy of this order. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

18.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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- To
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C.KUMARAPPAN,J.

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C.R.P(PD)(MD)No. 2296 of 2017

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