



C.R.P.(PD).No.1384 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD).No.1384 of 2024

M.Ramalingam

.. Petitioner

Versus

1. Amirthammal

2. Thangarasu

3. Tahsildar,
Chinnasalem Taluk Office,
Kallakurichi District.

4. The District Collector,
Kallakurichi District.

.. Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order, dated 13.02.2024 passed in I.A.No.1123 of 2023 in O.S.No.180 of 2019 on the file of the II Additional District Munsif Court at Kallakurichi.

For Petitioner : Mr.M.Ramalingam
(Party-in-person)

For Respondents : Mr.A.Logesh,
for Mr.V.Gunasekar, for R2

: Mr.C.Sathish,
Government Advocate,



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for RR-3 and 4

ORDER

This Civil Revision Petition arises against the order passed by the learned II Additional District Munsif at Kallakurichi in I.A.No.1123 of 2023 in O.S.No.180 of 2019, dated 13.02.2024.

2. The civil revision petitioner is the plaintiff in the suit. He claims that his parents Meenakshi Ammal and Muthusamy purchased an extent of 12 cents on 30.05.1966. They alienated 9 cents out of 12 cents in favour of Thangarasu, the second respondent. The second respondent alienated 2.25 cents in favour of Amirthammal, the first respondent. The remaining 6.75 cents was purchased by the petitioner. He pleads that taking advantage of the U.D.R proceedings, the respondents attempted to interfere with his possession. Hence, he presented the suit.

3. The respondents filed their written statement and the trial has also opened. The petitioner deposed as P.W.1. In order to substantiate his case, he filed I.A.No.1123 of 2023 to summon the Tahsildar and the District



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Collector to come to the Court and depose as the petitioner's witnesses. The learned Judge dismissed the said petition. Hence this revision.

4. Heard Mr.M.Ramalingam, party-in-person, Mr.A.Logesh, learned Counsel for the second respondent and Mr.C.Sathish, learned Government Advocate for the respondent Nos.3 and 4.

5. The party-in-person draws my attention to an order passed by the Hon'ble Mr.Justice M.M.Sundresh in a Writ Petition initiated by him in W.P.No.35298 of 2015, dated 19.11.2015. He also pleads that the Revenue Divisional Officer, Kallakurichi passed an order in மு.மு.அ/4285/2022, dated 29.12.2022 and the proceedings of the Tahsildar in the U.D.R proceedings in order to state that though he is the owner of an extent of 8 1/2 cents, the Tahsildar issued a patta in favour of the first respondent pending litigation for 2.25 cents. Hence, he states if the respondent Nos.3 and 4 were to appear before the Court and depose, it will substantiate his case and would point out the mistake committed by the revenue authorities at the time of updation of the records.



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6. Per *contra*, Mr.C.Sathish argues that the respondent Nos.3 and 4, being the state authorities, they cannot be examined on the side of the petitioner. The prayer that was sought for by the petitioner in I.A.No.1123 of 2023 is to summon those two state authorities to depose on the side of the petitioner. The said argument is supported by Mr.A.Logesh.

7. I have carefully considered the submissions on both the sides.

8. A party to the proceeding cannot summon his adversary to come and depose on his side. This position of law has been settled right from the time of Privy Council and has been consistently followed by this Court. However, the entire dispute relates to the extent of holding of the petitioner that has been found in the official records maintained by the respondent Nos.3 and 4. The solution to the present imbroglio can be very easily obtained. If the official records were to come before the Court, then, it would assist the Court in rendering a proper verdict in the suit. Therefore, though the application seeks for summoning the respondent Nos.3 and 4 as witnesses, I would treat the said application as one for subpoena.



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9. On payment of the charges, the third respondent or such other person authorised by him, shall appear before the Court and produce the revenue records for the property situated in S.No.136/1, Thagamtheerthapuram village, Chinnasalem taluk, Kallakurichi district. The revenue records should commence from the year 1966 and conclude with the date of presentation of the plaint i.e., 19.09.2019. The patta, chitta and adangal for the said property will be produced before the Court. Once the original records are produced before the Court in terms of Rule 75 of the Civil Rules of Practice, the Court shall receive the copies certified by the Tahsildar as authentic ones and return the originals to the third respondent. The said documents will be received as Court documents.

10. With the above directions, this Civil Revision Petition stands disposed of. No costs.

01.10.2024

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

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1. The II Additional District Munsif,
Kallakurichi.
2. The Tahsildar,
Chinnasalem Taluk Office,
Kallakurichi District.
3. The District Collector,
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V.LAKSHMINARAYANAN, J.

grs

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