



C.R.P.No. 2638 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 19.07.2024

C O R A M:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.No.2638 of 2024
and C.M.P.No.13844 of 2024

T.Thirugnanasambhandam

... Petitioner

Vs.

1.T.Parasivam

2.T.Manickavasagam

3.T.Thirumurugan

4.Vedanayagam

5.S.Parvadhavardini

6.S.Mohanapriya

7.Abirami

8. M.Venkatesan

9.The Village Administrative Officer
Vanniper-"Village", Brammadesam - "Post"
Marakkanam - "Taluk", Villupuram District.

10.The land Surveyor,
Brammadesam - "Firka"
Marakkanam - "Taluk",
Villupuram District.

11.The Tahsildar,



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Marakkanam Taluk
Villupuram District.

12.The District Collector,
Villupuram, Villupuram District.

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the fair and Decreetal order dated 28.02.2024 passed in I.A.No.1 of 2023 in O.S.No.204 of 2023 on the file of the Hon'ble 2nd Additional District and Sessions Judge, Tindivanam.

For Petitioner : Mr.M.Arumugam
For Respondents : Dr.Suriya for R9 to R12
Additional Government Pleader

ORDER

O.S.No.204 of 2023 is a suit for partition filed by the Civil Revision Petitioner. In the said suit, he took out an application to implead the defendants 8 to 12. The learned Trial Judge was satisfied that the 8th defendant is a proper and necessary party and therefore, she allowed the petition for impleading. In so far as, the revenue authorities who were arrayed as proposed defendants 9 to 12, the petition stood dismissed. Aggrieved by the same, the present civil revision petition.

2. Heard Mr.Arumugam, learned counsel appearing on behalf of the petitioner and Dr.Suriya, learned Additional Government Pleader appearing on



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behalf of the respondents 9 to 12.

3. Mr.Arumugam would submit that though the plaintiff has a share in the properties, the revenue records have been mutated in favour of the 2nd defendant leaving out the name of the plaintiff. Hence, in order to get a binding order as against the Revenue Department, they must be impleaded for they are proper and necessary parties.

4. In a suit for partition, the Revenue Department is neither necessary nor a proper party. They are bound to mutate the revenue records on the basis of the decree that is granted by the Court. In case, the plaintiff succeeds in O.S.No.204 of 2023, he will be entitled to move an application in terms of Standing Orders of the Board of Revenue and get the revenue records mutated in his favour. For the said purpose, the proposed respondents 9 to 12 need not be a party to the proceedings. Even without being a party to the proceedings, they are bound to obey the decree of the Civil Court and mutate the revenue records.

5. At this stage, Mr.Arumugam, would submit that the Revenue records stand in the name of the second defendant and therefore, the impleading



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of the revenue authorises becomes essential. It is needless to state that the revenue records are not documents of title. There is always sufficient time for the plaintiff, to bring to the notice of the Court that revenue records cannot affect his rights, if he is otherwise entitled to the property. To put it in other words, Revenue records would not confer the title to the second defendant and no reliance can be placed on the same to defeat the plaintiff's title.

6. In the light of the above observation, I am not inclined to admit the revision and hence, the Civil Revision Petition is dismissed. No costs. Consequently connected miscellaneous petition is closed.

19.07.2024

msv

Index:Yes/No

Internet:Yes/No

Speaking order: Non-speaking order

Neutral Citation: Yes/No

To

The 2nd Additional District and
Sessions Judge, Tindivanam.



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V.LAKSHMINARAYANAN,J.
Msv

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