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C.R.P.No.142 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2024

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.No.142 of 2023
and C.M.P.No.1210 of 2023

Srinivasan

... Petitioner

-Vs-

1.Suseela

2.Premnath

3.Viswanth

4.Somanath

5.Gopinath

6.Thirupathivasan

7.Thirumalaidevan

8.Umanath

9.The Special District Revenue Officer
The Special Officer (Land Acquisition)
National Highways 45-A, Seetharam Nagar
Cuddalore-1.

... Respondents

Prayer : Civil Revision Petition under Article 227 of the Constitution of India to set aside the order and decree dated 27.10.2022 passed in I.A.No.182/2022 in O.S.No.288/2011 on the file of the learned Additional District Munsif at Cuddalore by allowing the present CRP.



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For Petitioner : Mr.P.Suresh Babu

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ORDER

The petitioner is the plaintiff. He presented O.S.No.288 of 2011 on the file of the Additional District Munsif, Cuddalore seeking for declaration of his title. Pending the proceedings, a portion of the property which is the subject matter of dispute was acquired for the purpose of National Highway NH-45A. Stating that the Special District Revenue Officer is the proper and necessary party, he took out an application to implead the said authority in I.A.No.182 of 2022. The said application was dismissed by the learned trial Judge on 27.10.2022. Hence this revision.

2. Heard Mr.P.Suresh Babu, learned counsel for the petitioner and perused the materials placed on record.

3. Test for a person being a proper and necessary party to the petition is that, without his presence the Court will not be in a position to adjudicate the matter. The petitioner claims title to the property and so do the defendants. The presence of the Special District Revenue Officer, National Highways NH-45A is neither going to help the petitioner nor the respondents in proving their title. He is only an authority to disburse the compensation. As rightly argued by the learned counsel for the petitioner, in case there is a dispute for title then the acquiring authority will not decide the title but will refer the matter to Civil Court for the purpose of adjudication. The Special District Revenue Officer, in my view, is neither



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a proper nor a necessary party to the proceedings.

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4. I do not see any reason to differ from the view taken by the Additional District Munsif at Cuddalore. The Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

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Index : Yes/No

Neutral Citation : Yes/No

KST

To

The Additional District Munsif
Cuddalore.



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V. LAKSHMINARAYANAN, J.

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