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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2024

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THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.R.P.(MD)No.128 of 2021

and

C.M.P.(MD)No.831 of 2021

1.S.Vairan

2.S.Lakshmanan

... Petitioners

vs.

A.Mamayee (died)

1.V.Thamayanthi

2.R.Pandiammal

3.C.Lakshmi

4.C.Soundari

5.H.Jeeva

6.T.Pasupathi

7.T.Malarkodi

8.The State of Tamil Nadu,
Rep through the District Collector,
The Office of the District Collector,
Madurai-20.

9.The Tahsildar,
The Taluk Office,
Madurai Road,
Thirumangalam.

...Respondents



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PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 28.10.2020 made in I.A.No. 206 of 2019 in O.S.No.205 of 2010 on the file of the Principal District Munsif Court, Thirumangalam.

For Petitioners : Mr.PT.S.Narendravasan
For RR1, 2 & 4 - 6: Mr.T.Vadivelan
For R8 and R9 : Mr.K.S.Selvaganesan
Additional Government Pleader
For R7 : No Appearance

ORDER

The present Civil Revision Petition is filed against the order passed in I.A.No.206 of 2019.

2.The revision petitioners are the plaintiffs in the suit. The suit was filed for bare injunction. According to the revision petitioners, the suit properties are the ancestral properties of the petitioners. However, the said property was wrongly classified as poramboke land and the same was assigned to the defendants under the Welfare Scheme of the Government to assign Poramboke lands for the landless poor in Tamil Nadu. On knowing the said fact, the revision petitioners filed the present suit seeking bare injunction. During trial, the revision



petitioners came to know that assignment orders have been cancelled and the said cancellation was challenged by the defendants in O.S.No.91, 92, 94, 95 and 108 of 2012. The said suits were disposed in favour of the defendants. Feeling aggrieved by the said order, the petitioners have filed the present interlocutory application seeking to amend plaint as if the orders passed in the suits filed by the defendants will not bind on the revision petitioners. However, the said application was dismissed. The same is put to challenge in this Civil Revision Petition.

3. The learned counsel for the petitioners submits that in the suits filed by the defendants, the revision petitioners were not impleaded as a party and hence, the order passed in that suits will not bind on the revision petitioners. Further, though the defendants filed their written statement, they have not mentioned anything about the suits filed by them in their written statement. The revisions petitioners came to know about the suits only in the year 2019, when the said suits were decreed in favour of the defendants. Hence, the application to amend the plaint was filed belatedly.



4.The learned Additional Government Pleader appearing for the respondents submits that the assignment patta was granted to the defendants based on their continuous possession of the subject property.

5.On the other hand, the learned counsel for the petitioners submits that the revision petitioners are in possession of the suit property.

6.Heard the submissions made on either side and perused the materials placed on record.

7.A disputed question of fact is involved in this matter as to who is in actual possession of the property. The respondents were given with assignment patta by the Government. This fact is not disputed. The defendants have filed the suits in O.S.No.91, 92, 94, 95 and 108 of 2012 challenging the cancellation of assignment patta and obtained decree in their favour. This fact is also not disputed. The assignment order issued by the Government itself shows that the assignment patta was issued to the respondents only in recognition of their continuous possession of the property. Further, the plaintiffs/revision petitioners have not enclosed any document to substantiate their contention that they are in



possession of the suit property. Hence, as rightly concluded by the trial Court, the amendment application cannot be sustained in the eye of law.

8. In view of the above, this Court is of the opinion that the order passed by the trial Court in I.A.No.206 of 209 needs no interference. Accordingly, this Civil Revision Petition is dismissed. As the suit is of the year 2010, the trial Court is directed to complete the trial proceedings in O.S.No.205 of 2010 and dispose of the same within a period of one year from the date of receipt of a copy of this order. The trial Court is expected not to file any extension application for disposing the suit. No costs. Consequently, connected miscellaneous petition is closed.

27.11.2024

Internet : Yes/No
NCC : Yes/No
Index : Yes/No
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To

1. The Principal District Munsif Court,
Thirumangalam.
2. District Collector,
The Office of the District Collector,
Madurai-20.



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N.SENTHILKUMAR, J.

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3.The Tahsildar,
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