



C.RP(MD)No.1458 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 09.07.2024

CORAM

THE HONOURABLE MR JUSTICE D.BHARATHA CHAKRAVARTHY

C.R.P(MD)No.1458 of 2024

and

C.M.P(MD).No.8598 of 2024

S.Sathiyamoorthy
rep., by his Power Agent Alagar,
S.Sathiyamoorthy

... Petitioner

Vs.

1.Meenakshisundaram
2.Sathiyamarayanan
3.Mythili
4.Swaminathan
5.Kanagasabai
6.The Executive Officer,
Town Panchayat Office,
Veppathur,
Thiruvudaimaruthur Taluk.

7.The Tahsildar,
Tahsildar Office,
Thiruvudaimarudhur.

8.The District Collector,
District Collector Office,
Thanjavur.

...Respondents

Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records and set aside the fair and decreetal order dated



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18.04.2024 in I.A.No.232 of 2023 in O.S.No.182 of 2019 on the file of the District Munsif cum Judicial Magistrate Court, Thiruvudaimarudhur.

For Petitioner : Mr.A.N.Ramanathan
For Respondents : No representation (for R1 to R4)
Mr.SRA.Ramachandran (for R5 to R8)
Additional Government Pleader

ORDER

This civil revision petition is directed against the order dated 18.04.2024 passed by the learned District Munsif cum Judicial Magistrate, Thiruvudaimarudhur, in I.A.No.232 of 2023 in O.S.No.182 of 2019.

2. The prayer made in the said Interlocutory Application by the petitioner herein is to implead the Executive Officer, Veppathur Town Panchayat, the Tahsildar, Thiruvudaimarudhur Taluk and the District Collector, Tanjavur District, as the defendants 6, 7 and 8 in the suit. The said application is dismissed by the trial Court. Agreed by which, the present civil revision petition is filed before this Court.

3. The learned counsel appearing on behalf of the petitioner would submit that the suit is filed as against the original defendants 1 to 5 with a prayer not to



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evict the plaintiff except by way of due process of law. According to him, the plaintiff is in possession having got the leasehold rights to fish in the suit subject matter tank. Now, the defendants 6 to 8 have to be impleaded in the suit only to establish the fact that the suit tank belongs to the Government and to establish the other features including the original lease, which is granted in favour of the private parties etc.

4. I have considered the said submission made by the learned counsel for the petitioner and perused the materials available on record.

5. A perusal of the plaint as well as the consideration of the arguments of the learned counsel for the petitioner, it is the case of the plaintiff that defendants 1 to 5 are trying to evict him except by due process of law and therefore, the suit. With reference to the prayer of the petitioner in the suit, the respondents 6, 7 and 8 namely the District Collector, Tahsildar and the Executive Officer may not be necessary parties. The only purpose, which is stated by the learned counsel for the petitioner, is that to establish the tank belongs to the Government. It goes without saying that all water bodies in the State of Tamil Nadu are vested with the State. Even if any objection arises for the plaintiff to establish the ownership of the tank as well as to whom originally



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the fishing rights were leased out, the appropriate witness can be examined in the trial and for that matter, the parties are not necessary parties. When the *lis* is disclosed in the plaint is as between the private individuals indulging in unlawful exercise or not, in order to determine the same, the proposed parties may not be necessary or proper parties and in that view of the matter when the trial Court has exercised its discretion and disallowed the petition, I see no grounds to interfere. However, it will open to the plaintiff to examine one appropriate official to establish the nature of the suit property and how it is being exploited etc, in the manner known to law during the course of trial.

6. With the above observation, the Civil Revision Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

09.07.2024

NCC:Yes/No
Index:Yes/No
Rmk



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Tahsildar Office,
Thiruvudaimarudhur.
- 3.The District Collector,
District Collector Office,
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- 4.The District Munsif cum
Judicial Magistrate Court, Thiruvudaimarudhur.



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D.BHARATHA CHAKRAVARTHY, J.

Rmk

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