



C.R.P(MD)Nos.4, 5, 265 & 266 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 02.07.2024

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

C.R.P(MD)Nos.4, 5, 265 & 266 of 2022

and

C.M.P.(MD)Nos.47, 49, 1241 & 1242 of 2022

Iruthaya High School,
Iruthayakulam,
Rep. through its Correspondent,
Alexis Antony

... Petitioner in all C.R.Ps.
/ 1st

Respondent / Plaintiff

Vs.

1.A.M.Louis Irudayaraj
C.R.Ps.

...1st Respondent in all

/ Petitioner / 3rd

Party

2.The Commissioner,
Vickramasingapuram Municipality,
Vickramasingapuram, Ambasamudram,
Tirunelveli.
C.R.Ps.

...2nd Respondent in all

/ 2nd Respondent /

Defendant



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Civil Revision Petitions are filed under article 227 of the Constitution of India, to set aside the order in I.A.Nos.1, 1, 1 & 1 of 2021 in O.S.Nos.95, 97, 99 & 101 of 2020, dated 20.11.2021 on the file of the Principal District Munsif Court, Ambasamudram by allowing this Civil Revision Petitions.

For Petitioner	: Mr.S.Kumar
For R1	: Mr.P.Subbiah
For R2	: Mr.H.Arumugam (in all C.R.Ps.)

COMMON ORDER

All these civil revision petitions are for identical reliefs as such are taken up together and disposed of by this common order.

2.These matters arising out of four civil suits filed by the same petitioner in respect of the four extents of lands.

3.The case of the petitioner School is that these four extents of lands, which are in the nature of Natham, are in the occupation of the plaintiff School and they have put up constructions and are in enjoyment of the same. Therefore, claiming declaration of title and permanent injunction as against the respondent Municipality,



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the suits are filed. In the said suits, written statements had already been filed by the Municipality, claiming that the suit lands are not private lands, but are poromboke lands encroached by the petitioner School. When the suits are pending, the original first respondent in these civil revision petitions viz., A.M.Louis Irudhayaraj wanted to intervene in the public interest. Therefore, he filed an application to implead himself. The only reason stated by the said Louis Iruthayaraj is that the respondent Municipality is not properly bringing the particulars of the lands and defending the suit.

4.The trial Court, after considering the submissions made on either side, ordered the impleading petition by impleading A.M.Louis Irudhayaraj as the second defendant in all the four suits. Aggrieved by which, the plaintiff has filed these civil revision petitions. Now, pending the civil revision petitions, the said A.M.Louis Irudhayaraj, who is the first respondent in all the civil revision petitions, died on 01.03.2024. Since the said Louis



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Irudhayaraj has not claimed any title to the property and sought to intervene only in public interest, there is no question of any surviving interest of his legal heirs for impleading them. In that view of the matter, this Court took up the civil revision petitions for hearing.

5.The learned counsel appearing for the said Louis Irudhayaraj would submit that the only interest of his client was public interest and therefore, the same should be taken care of by this Court.

6.The learned counsel appearing for the Municipality would submit that the Municipality has duly filed the written statement and is properly defending the cases.

7.The learned counsel on behalf of the petitioner would submit that these civil suits are between the petitioner and the Municipality claiming title to the property and the said Louis



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Irudhayaraj was an interloper trying to interfere with the matter and the Court ought not to have ordered the impleading itself.

8.I consider the rival submissions made on behalf of the learned counsel for the petitioner and perused the material records of the case.

9.Now, the said Louis Irudhayaraj died and the Municipality is properly defending the matter. These civil revision petitions are disposed of on the following terms:

(i)The trial Court shall record the fact that the first respondent died.

(ii)It is further ordered that no other person need to be impleaded in the suits.

(iii)The respondent Municipality has already filed the written statements and the suits shall be proceeded in accordance with law.



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(iv)The suits can be proceeded with as expeditiously as possible, in any event, not later than eight months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

02.07.2024

NCC:Yes/No

Ns

To

- 1.The Principal District Munsif,
Ambasamudram.
- 2.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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D.BHARATHA CHAKRAVARTHY, J.

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