



REV.APLC(MD).No.90 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.02.2024

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

REV.APLC(MD).No.90 of 2023

in

C.R.P.(MD).No.1950 of 2019

Chinnappa Narangiyar

.. Review Petitioner/1st Respondent

Vs.

1.State represented by
The District Collector,
Pudukkottai & District.

.. 1st Respondent/2nd Respondent

2.Dhanapathi

3.Govindasamy

4.Umapathy

.. 2nd & 3rd Respondents/
1st & 3rd Respondents

PRAYER: Review Application filed under Order 47 Rule 1 and under Section 114 of CPC, to allow this Review Application by reviewing the order passed in C.R.P.(MD).No.1950 of 2021 and C.M.P.(MD).No.9949 of 2019 on the file of this Court.



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For Petitioner : Mr.K.Balasundaram
Senior Counsel
for M/s.KBS Law Office

For R-1 : Mr.A.K.Manikkam
Special Government Pleader

For R-2 to R-4 : Mr.D.Gurusamy

ORDER

This Court, while considering the Civil Revision Petition in C.R.P. (MD).No.1950 of 2019 on 08.09.2023, has passed the following order:

“6. The learned counsel for the revision petitioners would submit that the first respondent is neither proper nor necessary party. It is settled principle of law that in any proceedings, the necessary party means the party without their presence, an order could not be passed effectively. In this case, admittedly, the land belongs to the Government. Though the first respondent says that the land does not belong to the Government, he himself categorically admitted in his petition that the land is a “Waterbody and Anathinam land”. Therefore, according to the said contention, he has no personal right over the property and he has filed only on the ground his presence will help the villagers.

7. But, this Court is not in a position to entertain the petition on the ground that the property is allegedly vested



with the Government and the Government alone is a necessary and proper party.

8. In view of the above ground, this Court could not find any justification in allowing the impleading application. Therefore, this Court is inclined to interfere with the order of the Court below.

9. In the result, the instant Civil Revision Petition stands allowed and the order of the Court below is hereby set aside. There shall be no order as to cost. Consequently, connected Miscellaneous Petition is closed.”

2. On the above ground, the impleading application filed by the review petitioner was dismissed. Aggrieved by the same, the instant Review Application has been filed.

3. The learned Senior Counsel appearing for the petitioner would submit that by virtue of Order 1 Rule 8A of CPC, the review petitioner being a person having interest in respect of the welfare of the water bodies, seeks to review the order passed in the Civil Revision Petition. The learned Senior Counsel further submitted that they have already filed a Writ Petition in W.P.(MD).No.23039 of 2022 in respect of the very same property.



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4. This Court has carefully perused Order 1 Rule 8A of CPC, which specifically permits the persons or group of persons to implead themselves in a suit whenever there is a question of law involved. While perusing the order of this Court, this Court could not find any decision upon the question of law in the Civil Revision Petition. Hence, this Court is not inclined to entertain the Review Application.

5. Accordingly, the Review Application is dismissed. There shall be no order as to costs.

06.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To

1. The District Collector,
State, Pudukkottai & District.
2. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court, Madurai.



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C.KUMARAPPAN,J.

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