



CRP NO. 3539 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-02-2025

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THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

CRP NO. 3539 of 2023

and C.M.P.No.22144 of 2023

Maheswari Petitioner(s)

Vs

1.Govindarajan

2.Vijayakumar

3.State of Tamilnadu rep.

By the District Collector,

Collector Office Complex,

Namakkal,

Namakkal District.

4. The Tahsildar
Taluk Office,
Rasipuram Taluk,
Namakkal District.

5. The Village Administrative Officer
Minnakkal Village,

Rasipuram Taluk,

Namakkal District.Respondents

Prayer: Civil Revision Petition filed under 227 Constitution of India, praying to set aside the order and decretal order dated 21.06.2023 made in I.A.No.1 of 2021 in O.S.No.69 of 2020



on the file of the learned District Munsif Court, Rasipuram.

For Petitioner(s):

Mr. N. Manoharan

For Respondent(s):

Mr.M.Vijay, For R1 &R 2

M/s. R.Anitha, Spl. Govt. Pleader For R4 & R5



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ORDER

The present Revision Petition has been filed by the petitioner/appellant in the suit in O.S.No.61 of 2020.

2. The contention of the learned counsel for the petitioner is that the 4th and 5th respondents have taken out an application to show from the Revenue records that the property in the suit is classified as water body. The classification of the land with regard to the water body or the poromboke land has to be ascertained only after adducing evidence from the official respondents.

3. In support of his contention, learned counsel relied upon the judgment in the case of ***P.Ashoka v. Nehru Edwin and others*** reported in ***2005-4-LW.309***, wherein paragraph 15 of the order is reproduced hereunder -

“15.In AIR 1968 Madras 142 – Krishnamachari v. Dhanalakshni,

it was held that to add any person as defendant in the suit, it is

essential that he should have a legal and tangible interest in the



subject matter of the dispute.”

4. From the records, it is seen that the trial has not been commenced in the suit. The classification of nature of land has to be determined only based on the Revenue records. In

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the interest of justice, the official respondents are to be examined before the Trial Court.

5. In view of the above, nothing survives in the Civil Revision Petition. Hence, the present Civil Revision Petition is disposed of with a direction to the Trial Court to complete the trial as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

14-02-2025

msv

To

1. The District Collector,
State of Tamil Nadu
Collector Office Complex,
Namakkal, Namakkal District.

2. The Tahsildar
Taluk Office, Rasipuram Taluk, Namakkal District.

3. The Village Administrative Officer
Minnakkal Village, Rasipuram Taluk, Namakkal District.



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N.SENTHILKUMAR,J.

Msv

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