

THE HIGH COURT OF JUDICATURE AT MADRAS

Order reserved on : 22.08.2025

Order pronounced on : 29.08.2025

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THE HON'BLE MR. JUSTICE P.B.BALAJI

CRP.No.4181 of 2024
& CMP.No.23210 of 2024

1.Rajendran
2.Vennila

..Petitioners

Vs.

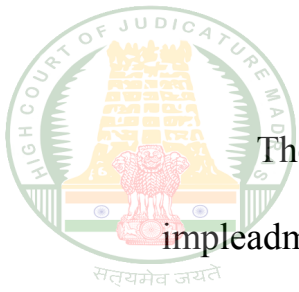
1.Naachimuthu
2.State of Tamil Nadu
Rep. by the District Collector,
Salem, Office of the Collectorate,
Salem – 1, Salem District.
3.The Sub-Collector,
Office of the Sub Collectorate,
Mettur Dam, Mettur Taluk,
Salem District.

..Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order dated 03.09.2024 passed in I.A.No.7 of 2024 in O.S.No.105 of 2023 pending on the file of the District Munsif at Mettur and consequently dismiss the same.

For Petitioners : Mr.L.Poovendra Perumal

For Respondents : Mr.S.Duraisamy
for Mr.V.Elangovan for R1
Mr.D.Gopal
Government Advocate for RR2 & 3

**ORDER**

The Plaintiffs challenge the order of the trial Court, permitting impleadment of the 1st respondent in the present revision.

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2.I have heard Mr.L.Poovendra Perumal, learned counsel for the petitioner and Mr.S.Duraisamy for Mr.V.Elangovan, learned counsel for the contesting 1st respondent and Mr.D.Gopal, learned Government Advocate for the respondents 2 and 3.

3.The learned counsel for the petitioners would contend that the suit is for declaration, insofar as the property, that has been classified as Government tarisu lands. The learned counsel for the plaintiffs would take me through the plaint averments and the manner in which the plaintiffs claim right in the suit property, necessitating the suit to be instituted as against the official defendants, who are respondents 2 and 3 in the present revision petition.

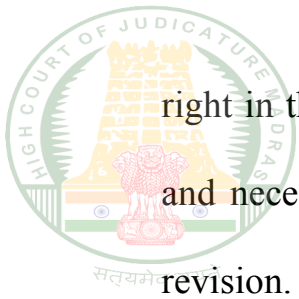
4.The learned counsel for the petitioners would also point out that the plaintiffs have also filed a suit for partition as against the 1st respondent, who has now been impleaded in the present suit and the parties reached a settlement before the Lok Adalat and an award also came to be passed. The learned counsel for the petitioner would take me through the terms of the settlement



reached between the parties and contend that at no point of time, 1st respondent claimed any right in the suit property. The right claimed by the 1st respondent is on tracing title through an entirely different channel altogether and all rights that were available to the 1st respondent have culminated in the compromise before the Lok Adalat.

5.The learned counsel for the petitioners would also invite my attention to the specific clauses in the Lok Adalat award, where the parties have undertaken not to claim any further rights and that the compromise reached between them was full and final. The learned counsel for the petitioners would therefore state that the trial Court has erroneously allowed the application for impleading the 1st respondent, without considering the fact that the plaintiff as *dominus litus*, cannot be compelled to litigate against a person whom the plaintiff did not intend to pursue the litigation. He would therefore pray for the revision being allowed.

6.Per contra,. Mr.S.Duraisamy, learned counsel for the contesting 1st respondent would state that the trial Court, in and by a well-reasoned order, has rightly found that the 1st respondent also has a right in the suit property and the issue whether the property is an ancestral property or self-acquired property has to be decided only in the suit and since the revision petitioners claim absolute



right in their favour, the presence of the 1st respondent was found to be proper and necessary. The learned counsel would therefore pray for dismissal of the revision.

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7.I have carefully considered the submissions advanced by the learned counsel on either side.

8.On going through the plaint, it is seen that the case on which the plaintiffs have come to Court is that the suit property originally belonged to T.A.Arumugam Mudaliar, who had purchased the property in a Court auction and the said property was subsequently conveyed to the father of the plaintiffs, in and by a registered sale dated 11.12.1952, for valuable sale consideration. Revenue records were also mutated in the name of the father of the plaintiffs and he was in absolute and continuous possession and enjoyment of the suit property and subsequent to his demise on 18.08.1993, the plaintiffs have become entitled to the same as the legal heirs of their father, Chinnappa Gounder. It is the case of the plaintiffs that when they intended to partition the said property, it came to light that the Government had classified the suit property as tarisu lands and therefore, the plaintiffs have come forward with the suit to declare that the classification is bad and also for a mandatory injunction to issue patta in the names of the plaintiffs.



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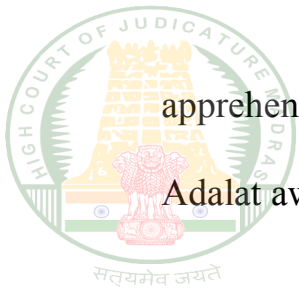
9.The extent of the property which is subject matter of said suit is 1.80 acres and comprised in Survey.No.155/ 1. In the light of the pleadings on which the plaintiffs have approached the court, it becomes evident that the right that they are claiming is only an independent right of their father, having acquired under a registered sale date dated 11.12.1952 and purchased from a Court auction purchaser.

10.The suit that has been filed by the plaintiffs against the 1st respondent for partition in OS.No.199 of 2022 on the file of the Sub-Court, Mettur was referred to Lok Adalat and an award came to be passed on 11.02.2023 in Award No.33 of 2023. The properties, that are subject matter of the said Lok Adalat award, are not the properties which are subject matter of the present suit. It is not the case of the 1st respondent, as defendant that the suit property was also available for partition, because it is evident from the terms of the Lok Adalat award that the 1st respondent has admitted that the partition under the Lok Adalat award was full and final and no further claims would be made by the 1st respondent. Now the 1st respondent has sought to implead himself in the present suit, as if the plaintiffs have gone back on the Lok Adalat award and claiming that the entire property belongs to them, depriving the 1st respondent of his legitimate rights in the suit property.



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11. As already discussed herein above, the property, which is subject matter of the present suit is entirely different from the property, which was subject matter of the suit for partition before the Sub- Court, Mettur. The 1st respondent has voluntarily accepted a division in terms of the settlement award passed. The suit property has nothing to do with the property that was available for partition, since it has been acquired by the father of the petitioners in his individual capacity, that too, from a Court auction purchaser. The trial Court has unfortunately misdirected itself and proceeded to hold that only after the trial, the issue whether the suit property is available for partition can be decided or not. The said question did not arise for consideration at all since the relief sought for by the plaintiffs is only challenging the wrong classification of the subject lands, namely the suit property as Government Tarisu lands and for issuance of Patta in their favour, based on the registered sale deed in the name of their father. I do not see how the 1st respondent is a proper or necessary party to the said suit. If at all the 1st respondent claims any independent right or title, then the same cannot be part of the present suit claim, which would result in enlarging the scope of the suit itself. In any event, when the 1st respondent has been a party to a compromise, in and whereby, the properties available for partition have already been divided, I see no reason why the 1st respondent has to be impleaded in a suit, which concerns a different property altogether. The



apprehension of the 1st respondent that the plaintiffs are going back on the L
Adalat award is clearly baseless and unsubstantiated.

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12.In the light of the above, I am inclined to interfere and set aside the order of the trial Court, directing the impleadment of the 1st respondent whose right is not in any way impeded in the present suit.

13.In fine, the Civil Revision Petition is allowed and the order dated 03.09.2024 in I.A.No.7 of 2024 in O.S.No.105 of 2023 on the file of the District Munsif, Mettur is set aside. There shall be no order as to costs. Connected Civil Miscellaneous Petition is closed.

29.08.2025

Speaking/Non-speaking order

Index : Yes/No

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To

1.The District Munsif, Mettur.

2.The District Collector, Office of the Collectorate, Salem – 1, Salem District.

3.The Sub-Collector, Office of the Sub Collectorate, Mettur Dam, Mettur Taluk, Salem District.



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CRP.No.4181 of 2024



P.B.BALAJI.J.

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Pre-delivery order made in
CRP.No.4181 of 2024
& CMP.No.23210 of 2024

29.08.2025