



C.R..P.(PD)(MD).No.300 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(PD)(MD)No.300 of 2025

and

C.M.P(MD) No.1750 of 2025

Pothiraja

... Petitioner/
1st Respondent/
Plaintiff

Vs.

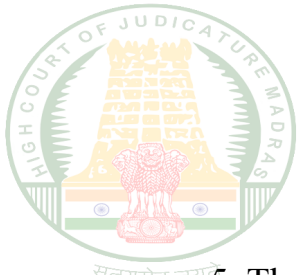
1. Sri Dharmasamvarthani Kattalai,
Represented by its Executive Officer,
Arulmigu Meenakshi
Sundareswarar Temple,
Madurai.

... 1st Respondent/
Petitioner/
Proposed 5th Defendant

2. The Inspector,
Solavanthan Avaniyapuram
Ramasamy Ayyar Annathana Chatram,
Madurai District.

3. The District Collector,
Madurai.

4. The District Revenue Officer,
Madurai.



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5. The Tahsildar,
Vadipatti,
Kallanai Village,
Madurai District.

... Respondents 2 to 5/
Respondents 2 to 5/
Defendants 1 to 4

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order dated 01.07.2024 passed in I.A.No.6 of 2024 in O.S.No.47 of 2023 on the file of the District Munsif Court, Vadipatti, Madurai District.

For Petitioner : Mrs.M.Rajeswari
For R1 : Mr.S.Manohar
For R2 to R5 : Mr.S.P.Maharaja
Special Government Pleader

ORDER

The plaintiff in O.S.No.47 of 2023, on the file of the District Munsif Court, Vadipatti, Madurai District, is the revision petitioner herein.

2. The above said suit has been filed for the relief of declaration of title, permanent injunction and to cancel the order dated 07.12.2022 passed by the District Revenue Officer, Madurai.



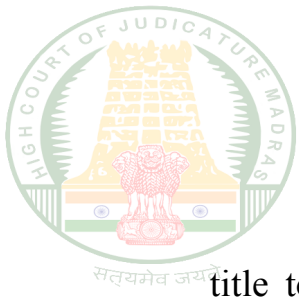
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3. A perusal of the order of the District Revenue Officer, Madurai, dated 07.12.2022 reveals that originally the patta was standing in the name of the plaintiff. The first defendant in the suit, namely, the Inspector, Solavanthan Avaniyapuram Ramasamy Ayyar Annathana Chatram, Madurai District had approached the District Revenue Officer, Madurai for cancellation of the said patta and mutation of the patta in the name of Annathana Chatram. Accepting the case of Annathana Chatram, an order was passed by the District Revenue Officer, Madurai on 07.12.2022. In view of the order of the District Revenue Officer, the present suit has been filed by the plaintiff seeking for declaration and permanent injunction.

4. Pending suit, an impleading application was filed by the first respondent in the revision petition, namely, Sri Dharmasamvarthani Kattalai, represented by the Executive Officer, Arulmigu Meenakshi Sundareswarar Temple, Madurai in I.A.No.6 of 2024 to implead him as the fifth defendant in the suit.

5. A perusal of the affidavit filed in support of the said application reveals that the said Kattalai, namely, Sri Dharmasamvarthani Kattalai claims



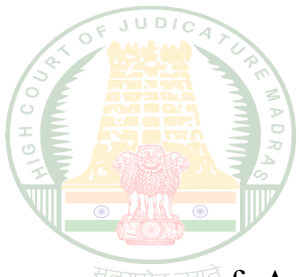
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title to an extent of 88 cents in S.No.228/3 which forms part of the total extent of 9 acres and 67 cents belonging to Annathana Chatram. The said application was resisted by the plaintiff on the ground that S.No.228/3 is not a suit schedule property and therefore, the said Kattalai is not a necessary party. Rejecting the said contentions of the plaintiff, the application for impleading was allowed. A perusal of the order reveals that the plaintiff as well as the proposed party claim right over adjacent lands arising out of the same survey number. On the said ground, the application was allowed. Challenging the same, the plaintiff has filed the present Civil Revision Petition.

6. According to the learned counsel appearing for the revision petitioner, the suit has been filed seeking declaration of title for an extent of 64 cents in S.No.228/1 alone and they are not making any claim over Resurvey No.228/3. Therefore, the proposed party in I.A.No.6 of 2024 is not a necessary party.

7. Per contra, the learned counsel appearing for the first respondent/ Kattalai had contended that Kattalai is making a claim of title over S.No. 228/3 and this Kattalai is managed and administered by the Executive Officer



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of Arulmigu Meenakshi Sundareswarar Temple, Madurai and therefore, they are necessary parties.

8. Heard both sides and perused the material records.

9. A perusal of the order of the District Revenue Officer, Madurai, dated 07.12.2022 reveals that it relates to Survey No.228/1, measuring an extent of 3.40.0 Hectares. A perusal of the plaint prayer reveals that out of above said extent, the plaintiff claims 62 cents in R.S.No.228/1. Therefore, it is clear that the plaintiff is not making any claim over any extent of land in S.No.228/3, over which Sri Dharmasamvarthani Kattalai is making a claim. Therefore, it is clear that when the land belonging to first respondent/Kattalai is not subject matter of the suit and the plaintiff is not making any claim over S.No.228/3, the first respondent in the revision petition is not a necessary party to the above said suit.



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10. In view of the above said facts, the order impugned in the revision petition is set aside, this Civil Revision Petition stands allowed. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

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NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The District Munsif Court,
Vadipatti,
Madurai District.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.
3. The Inspector,
Solavanthan Avaniyapuram
Ramasamy Ayyar Annathana Chatram,
Madurai District.
4. The District Collector,
Madurai.
5. The District Revenue Officer,
Madurai.
6. The Tahsildar,
Vadipatti,
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R.VIJAYAKUMAR,J.

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