



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.04.2025

CORAM

THE HON'BLE MR. JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.1063 of 2025

and

C.M.P(MD)No.5796 of 2025

Lingakani

...Petitioner/Petitioner/Plaintiff

Vs.

1.S.Subramaniyan

2.Gopal Nadar

...1st & 2nd Respondents/1st & 2nd Respondents
1st and 2nd Defendants

3.The Assistant Executive Officer Engineer,
Manimutharu Channel Sub Division,
Moolakaraipatti.

4.The Block Development Officer,
Sathankulam.

5.The Tashsildar,
Sathankulam.

6.The District Collector,
Thoothukudi District,
Thoothukudi.

...Respondents 3 to 6/
Proposed parties/Proposed parties

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the order passed in I.A.No.398 of 2024 in O.S.No.10 of 2023 on the file of the learned District Munsif, Sathankulam, dated 29-11-2024 and allow this Civil Revision Petition.



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For Petitioner : Mr.T.A.Ebenezer

For Respondents : Mr.S.P.Maharajan
Special Government Pleader
for R3 to R6

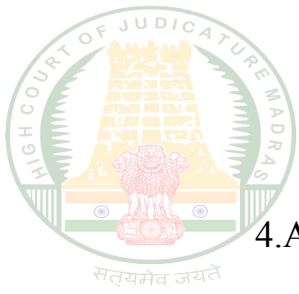
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ORDER

The plaintiff in O.S.No.10 of 2023, on the file of the District Munsif Court, Santhankulam, has filed the present revision petition challenging the dismissal of his application filed for impleading the Government officials.

2.A perusal of the records reveal that the suit has been filed by the plaintiff for the relief of permanent injunction that the defendants should not disturb the stream which is running on the northern side of the suit schedule property and his possession should not be disturbed by the private defendants.

3.According to the learned Counsel appearing for the petitioner/plaintiff, the defendants are disputing the existence of the stream on the northern side of the suit schedule property. Therefore, the plaintiff has filed I.A.No.398 of 2024, to implead some Government officials for the purpose of establishing that there is a stream. The said application has been dismissed by the trial Court. Challenging the same, the present revision petition has been filed.



4. According to the learned Counsel appearing for the revision petitioner, unless the Government Officials are impleaded and they file a written statement, it would not be possible for him to establish the existence of the stream.

5. I have considered the submissions made on either side and perused the materials available on record.

6. In case, if the petitioner wants to establish that there is a stream on the northern side of the suit schedule property, he can produce the revenue records or he can examine the concerned officials on his side. In view of the fact that no prayer has been sought for as against the Government officials, there is no necessity to implead the Government Officials in the suit.

7. Therefore, there are no merits in the revision petition. Accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

04.04.2025

Internet: Yes/No
Index: Yes/No
RJR



R.VIJAYAKUMAR, J.

RJR

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To

- 1.The learned District Munsif,
Sathankulam.
- 2.The Assistant Executive Officer Engineer,
Manimutharu Channel Sub Division,
Moolakaraipatti.
- 3.The Block Development Officer,
Sathankulam.
- 4.The Tashsildar,
Sathankulam.
- 5.The District Collector,
Thoothukudi District,
Thoothukudi.

Copy to:-

The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.

C.R.P.(PD)(MD)No.1063 of 2025

04.04.2025