



C.R.P(MD)No.274 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.02.2025**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.274 of 2025

and

C.M.P(MD)No.1597 of 2025

S.Ettieswaran

... Petitioner/Respondent/
Plaintiff

Vs.

The Chief Secretary,
Government of Tamil Nadu,
Fort St.George, Chennai,
Through S.Sivakumar.

... Respondent/Petitioner/
1st Defendant

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order passed in I.A.No.169 of 2022 in O.S.No.134 of 2022 on the file of the Additional District Judge (Fast Track Court), Palani, dated 15.07.2024.

For Petitioner : Mr.D.Venkatesh



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For Respondent : Mr.S.P.Maharaja
Special Government Pleader

ORDER

The plaintiff in O.S.No.134 of 2022 on the file of Additional District Court (Fast Track Court), Palani is the revision petitioner herein.

2. A perusal of the records reveal that the revision petitioner as plaintiff has filed the above said suit seeking compensation of Rs.13,42,167/- along with interest from the six defendants. A perusal of the plaint reveals that the plaintiff had applied for approval of building plan which was rejected by the defendants 4 to 6 time and again. The plaintiff was forced to approach the High Court by filing W.P(MD)No. 9064 of 2016 seeking building plan approval. The writ petition was allowed on 10.02.2021 directing the 4th defendant to approve the building plan approval. Ultimately, plan approval was granted to the revision petitioner on 18.03.2021.



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3. According to the plaintiff, in view of the delay in granting building plan approval, the petitioner had incurred huge loss due to escalation of prices. Therefore, the plaintiff had prayed for a compensation of Rs.13,42,167/-. In the said suit, the Chief Secretary, Government of Tamil Nadu has been impleaded as the 1st defendant.

4. The Revenue Divisional Officer, Palani had filed I.A.No.169 of 2022 seeking to delete Chief Secretary, Government of Tamil Nadu from the array of parties on the ground that he had nothing to do with the prayer in the plaint. This application was resisted by the plaintiff contending that being the Head of Secretaries of the Government of Tamil Nadu, he would be a necessary party, in case if the suit is decreed and compensation is awarded. However, the said contention of the plaintiff was not accepted and the trial Court has passed an order deleting the Chief Secretary, Government of Tamil Nadu from the array of parties. Challenging the same, the present revision petition.



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5. According to the learned counsel appearing for the revision petitioner, the Revenue Divisional Officer, Palani who had filed the affidavit in I.A.No.169 of 2022 is not at all a party to the suit and therefore, his affidavit should not have been taken into consideration by the trial Court. He further contended that in case if any compensation is awarded by the trial Court, the said amount has to be recovered from the Government. In such circumstances, the Chief Secretary, Government of Tamil Nadu would be a necessary party to the suit.

6. Heard the learned counsel for the petitioner and perused the material records.

7. A perusal of the plaint averments reveal that all the allegations have been made only as against the defendants 4 to 6 and some of the allegations have been made as against the defendants 2 and 3. As far as the 1st defendant in the suit is concerned, he has been impleaded only as a proforma party, so that in case of award of compensation, the said amount could be recovered. Therefore, this Court is of the considered



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opinion that he would be an unnecessary party to the civil proceedings.

Even without the presence of the 1st defendant, the amount could be recovered from the other defendants, in case if the plaintiff succeeds.

That apart, the Revenue Divisional Officer, Palani being an official subordinate to the 1st defendant to the suit, he would be entitled to file such an affidavit. The filing of the said affidavit has not been objected to by the 1st defendant. In such circumstances, this Court does not find any merits in the revision petition.

8. Hence, this Civil Revision Petition stands dismissed. No costs.

Consequently, connected Civil Miscellaneous Petition is closed.

05.02.2025

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

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- 1.The Additional District Judge
(Fast Track Court),
Palani.
- 2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR ,J.

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Order made in
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