



C.R.P.(NPD)(MD)Nos.983 to 985 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 18.02.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(NPD)(MD)Nos.983 to 985 of 2022

and

C.M.P(MD)Nos.3912, 3914 and 3916 of 2022

C.R.P.(NPD)(MD)No.983 of 2022

1.Karuppiah

2.Kesavan

...Petitioners/Petitioners/Respondents 2 and 3

Vs.

1.T.S.Chandrasekaran

T.S.Suriyasekaran (Died)

2.T.S.Vijayadoss

3.T.S.Muralidoss

4.T.V.Radhika Devi

...Respondents 1 to 4/Respondents 1, 3 to 5/
Petitioners 1, 3 to 5

V.Pitchai(Died)

5.V.Thangavelu

6.T.S.Rajasekaran

7.T.S.Gnanasekaran

...Respondents 5 to 7/Respondents 7 to 9/
Respondents 4 to 6

8.M.S.Lakshmikantham

9.K.M.Kanjana

...Respondents 8 & 9/Respondents 10 and 11/
Proposed parties



C.R.P.(NPD)(MD)Nos.983 to 985 of 2022

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, against the order dated 28.01.2022, passed in the petition in I.A.No.6 of 2019 in T.C.T.P.No.27 of 2009, on the file of the Special Deputy Collector, Revenue Court, Madurai.

For Petitioners : Mr.J.Barathan

For Respondents : Mr.A.Satheesh Murugan
for R1 & R2
Mr.B.Muneeswaran for R5
No appearance for R4, R6, R8 & R9

C.R.P.(NPD)(MD)No.984 of 2022

1.Karuppiah

2.Kesavan ...Petitioners/Petitioners/Respondents 1 and 2

Vs.

1.T.S.Chandrasekaran

T.S.Suriyasekaran (Died)

2.T.S.Vijayadoss

3.T.S.Muralidoss

4.T.V.Radhika Devi

...Respondents 1 to 4/Respondents 1, 3 to 5/
Petitioners 1, 3 to 5

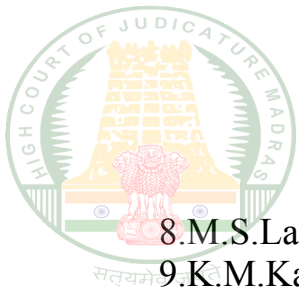
V.Pitchai(Died)

5.V.Thangavelu

6.T.S.Rajasekaran

7.T.S.Gnanasekaran

...Respondents 5 to 7/Respondents 7 to 9/
Respondents 3, 9 and 10



C.R.P.(NPD)(MD)Nos.983 to 985 of 2022

8.M.S.Lakshmikantham

9.K.M.Kanjana

...Respondents 8 & 9/Respondents 10 and 11/
Proposed parties

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PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, against the order dated 28.01.2022, passed in the petition in I.A.No.7 of 2019 in T.C.T.P.No.2 of 2013, on the file of the Special Deputy Collector, Revenue Court, Madurai.

For Petitioners : Mr.J.Barathan

For Respondents : Mr.A.Satheesh Murugan
for R1 & R2
Mr.B.Muneeswaran for R5
No appearance for R4, R6, R8 & R9

C.R.P.(NPD)(MD)No.985 of 2022

1.Karuppiah

2.Kesavan ...Petitioners/Petitioners/Respondents 4 and 5

Vs.

1.T.S.Chandrasekaran

...1st Respondent/1st Respondent/1st Petitioner

T.S.Suriyasekaran (Died)

2.T.S.Vijayadoss

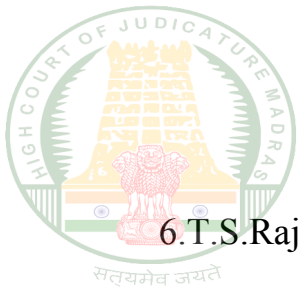
3.T.S.Muralidoss

4.T.V.Radhika Devi

...Respondents 2 to 4/Respondents 3 to 5/
Third parties

V.Pitchai(Died)

5.V.Thangavelu



C.R.P.(NPD)(MD)Nos.983 to 985 of 2022

6.T.S.Rajasekaran

...Respondents 5 & 6/Respondents 7 & 8/
Third parties

7.T.S.Gnanasekaran

...7th Respondent/9th Respondent/3rd Petitioner

8.M.S.Lakshmikantham

9.K.M.Kanjana

...Respondents 8 & 9/Respondents 10 and 11/
Proposed parties

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, against the order dated 28.01.2022, passed in the petition in I.A.No.8 of 2019 in T.C.T.P.No.36 of 2006, on the file of the Special Deputy Collector, Revenue Court, Madurai.

For Petitioners : Mr.J.Barathan

For Respondents : Mr.A.Satheesh Murugan
for R1 & R2

Mr.B.Muneeswaran for R5

No appearance for R4, R6, R8 & R9

COMMON ORDER

The cultivating tenants who are the respondents in T.C.T.P.Nos.27 of 2009, 2 of 2013 and 36 of 2006, on the file of the Revenue Court, Madurai, are the petitioners herein.

2.The properties in dispute were originally owned by one Sundara Ramaiyar. He had passed away leaving behind his four sons, namely, Chandrasekaran, Suriyasekaran, Gnanasekaran and Rajasekaran and two daughters, namely, Lakshmikantham and Kanjana.



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3. Two of the landlords had filed the above said petition seeking to evict the revision petitioners/tenants on the ground that they have committed wilful default in payment of the rent for various Fasli year. These eviction petitions came to be filed in the year 2006, 2009 and 2013. In 2019, the tenants had filed I.A.Nos.6, 7 and 8 of 2019, in each one of the eviction petitions, to implead the female legal heirs of the deceased Sundara Ramaiyar on the ground they are also the co-owners of the property. These application were resisted by the landlords on the ground that as per Will executed by the Sundara Ramaiyar, dated 27.05.1977, they are entitled to the property in dispute and therefore, the female legal heirs are not necessary parties. This objection raised by the landlords was accepted by the Revenue Court and two impleading applications came to be dismissed. Challenging the same, the present revision petitions have been filed by the tenants.

4. According to the learned Counsel appearing for the revision petitioners, the female legal heirs of the Sundara Ramaiyar, who are sought to be impleaded now are also the co-owners of the property and therefore, they are necessary parties to the eviction petition. He further contended that, in the impleading application, the Revenue Court had gone beyond the scope of the said



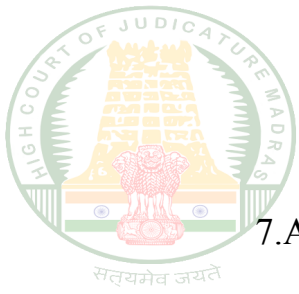
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application and had proceeded to make adverse remarks as against the tenants.

He further pointed out that the Revenue Court had proceeded to hold that the tenants are not cultivating the property and they are settled elsewhere. These observations have nothing to do with the impleading application filed by the tenants. He further contended that the observations made by the Revenue Court would affect his contentions in the main eviction petition.

5.Per contra, the learned Counsel appearing for the landlords had contended that the female legal heirs are not necessary parties to the eviction petition. As per the Will of the Sundara Ramaiyar, only the male legal heirs are entitled to the property who are already parties to the eviction petition. This application has been filed much belatedly only to drag on the proceedings. He further contended that there is a huge arrears to be paid by the tenants for the said properties. In such circumstances, no indulgence may be shown to the tenants.

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



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7.A perusal of the eviction petition reveals that the landlords had contended that they are the legal heirs of the Sundara Ramaiyar by virtue of a Will executed in their favour. These eviction petitions had filed in the year 2006, 2009 and 2013. The present application for impleading the female legal heirs of the Sundara Ramaiyar had been filed in the year 2019. Therefore, it is clear that the applications have been filed much belatedly. It is not the case of the tenants that they have paid the rent to the female legal heirs. In such circumstances, impleading the female legal heirs of the Sundara Ramaiyar would not serve any purpose.

8.A perusal of the order of the order of the Revenue Court reveals that the Special Deputy Collector had proceeded to comment upon the merits of the eviction petition, which are totally unwarranted for the purpose of disposal of the impleading application. Therefore, all the remarks/findings of the Special Deputy Collector in the order dismissing the impleading application stand expunged.

9.The Special Deputy Collector/Revenue Court, Madurai, is directed to dispose of the eviction petitions on merits and in accordance with law without being influenced by the observations made in the impleading application.



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10. With the above said observations, these Civil Revision Petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are also closed.

18.02.2025

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Internet: Yes/No

Index: Yes/No

RJR

To

The Special Deputy Collector/Revenue Court,
Madurai.

Copy to:-

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



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R.VIJAYAKUMAR, J.

RJR

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