



W.P.(MD)No.23157 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2025

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

W.P.(MD)No.23157 of 2023

and

W.M.P.(MD)No.19358 of 2023

N.Kamalakannan

: Petitioner

Vs.

1.The District Collector,
Madurai Collectorate Campus,
Madurai District.

2.The District Revenue Officer,
Madurai Collectorate Campus,
Madurai.

3.Basanthibai

4.Premnath Singh

5.Beena

6.Milan

7.Lakshmibai

8.Kamalabai

: Respondents

*[Respondents 5 to 8 are impleaded vide order of this Court dated
20.03.2025, in W.M.P.(MD)No.3631 of 2024]*



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the records related to order passed by the second respondent in Na.Ka.No.G2/933332/2023 on 23.08.2023 and quash the same as illegal, contrary and violation of natural justice and subsequently directing the second respondent to implead the petitioner a the respondent as the necessary party in the proceedings in Na.Ka.No.G2/933332/2023 and permit me to raise the objections.

For Petitioner : Mr.A.Prasanna Rajadurai
For Respondents 1 & 2 : Mr.M.Lingadurai,
Special Government Pleader
For Respondents 3 & 4 : No appearance
For Respondents 5 to 8 : Mr.R.Karunanithi

ORDER

The petitioner challenges the order of the second respondent in Na.Ka.No.G2/933332/2023 dated 23.08.2023, refusing permission to the writ petitioner to participate before the proceedings on the file of the second respondent.

2.I have heard the learned Counsel on either side.



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3. Learned Counsel for the petitioner would submit that the petitioner had entered into an agreement of sale with respondents 3 and 4. The impleaded respondents 5 to 8 are the legal heirs of the original owner Bhagavath Singh, from whom the respondents 3 and 4 claim to have purchased the property under an oral sale. The fact remains that the petitioner approached the Civil Court and filed a suit for specific performance against the respondents. The said suit was decreed. The decree has also been executed by filing an execution petition and the Court has executed the sale deed and registered the same in favour of the petitioner. It is based on this sale deed that the petitioner sought to implead himself in the revision before the second respondent.

4. It is the contention of the learned Counsel appearing for the newly impleaded respondents 5 to 8 that the third and fourth respondents did not have any right over the property and they only claimed right under an oral sale agreement, which is not recognised under law. Therefore, the decree will not bind the original owner, who are now represented by his legal heirs, subject to his demise. However, learned Counsel for the respondents 5 to 8 would fairly submit that said Bhagavath Singh or legal heirs of Bhagavath Singh,



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so far have not challenged the decree passed in favour of the petitioner. In any event, the revision at the instance of respondents 3 and 4, is pending before the second respondent.

5.Considering the legitimate interest of the writ petitioner, the second respondent ought to have permitted the petitioner also to participate in the revision proceedings and have a say. It is an admitted position that apart from respondents 3 and 4, newly impleaded parties are also parties to the pending revision. In view of the fact that as on date the petitioner holds a valid registered sale, that too executed by the competent Civil Court in execution of decree for specific performance, it would be fair to afford an opportunity to the writ petition to canvass his contentions, irrespective of the stand taken by the other respondents. Therefore, the impugned order is set aside and a direction is issued to the second respondent to hear the petitioner and other parties already before him in the revision and pass final orders within a period of eight [8] weeks from the date of receipt of a copy of this order.



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6.Accordingly, this Writ Petition stands allowed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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20.03.2025

Index :Yes / No
Internet : Yes / No
NCC : Yes/No
MR



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To

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Madurai Collectorate Campus,
Madurai District.

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Madurai Collectorate Campus,
Madurai.



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P.B.BALAJI., J.

MR

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