



C.R.P(MD)No.3359 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2025

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

C.R.P(MD)No.3359 of 2025
and
C.M.P(MD)No.18378 of 2025

1. B.Muthumari
2. B.Subramani

... Petitioners

Vs.

1. Rajamathava Kalanithi,
2. Mathialaga Sundarasekararaja,
3. Sivanandharaja,
4. Vijayan,
5. John,
6. Rajangam,
7. Raju,
8. Pandi,
9. The Deputy Director,
District Town and Country Planning Office,
Sector 6,
Anaiyur Mudakathan Man Road,
Koodalputhur,
Madurai 625 017.



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10. The Executive Officer,
Valayankulam Panchayat Office,
Madurai 625 022.

11. The Sub Registrar,
SRO, Thirupparankundram,
Madurai 625 006.

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to call for the records relating to the order, Decreetal order dated 11.09.2025 passed by Learned 1st Additional Sub Judge, Madurai in IA No.3 of 2024 in OS No.1105 of 2023 and set aside the same and pass such further or other orders may deem fit in the circumstances of the case and thus render justice.

For Petitioner : M/s. S.Sukumar

For Respondent : M/s.F. Deepak,
Special Government Pleader
For R9 and R11

ORDER

This Civil Revision petition is filed to set aside the Decreetal order dated 11.09.2025 passed by Learned 1st Additional Sub Judge, Madurai in IA No.3 of 2024 in OS No.1105 of 2023.



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2. An application under Order I Rule 10(2) and Section 151 of CPC to implead the official respondents as necessary parties in the suit in O.S.No.1105 of 2023 had been filed by the petitioners herein. The petitioners filed the said application in order to prove that the suit schedule property belongs to the plaintiff and not a pathway or public road. The court below dismissed the said application, against which the petitioners have filed the present Civil Revision Petition.

3. This court is of the view that the parties who were sought to be impleaded as necessary parties in the suit are neither proper and necessary parties in a *lis* between the private individuals. However, it is the contention of the learned Counsel for the petitioner that if the said suit property is included in a scheme, it would affect his right under the provisions of the Town and Country Planning Act. A scheme can be framed, which may also include any property of the private individual. At that juncture, such private individual would be entitled to compensation. Hence the apprehension raised by the petitioner does not hold good. Further, there can be no order by any court, particularly civil Court, restraining the respondents from carrying out their statutory duties.



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4. In view of the same, this court is of the view the that the present

Civil Revision Petition has been filed only to protract the proceedings.

Accordingly, this Civil Revision Petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

17.11.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To

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1. The 1st Additional Sub Judge,
Madurai.

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



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K.KUMARESH BABU,J.

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