



REV APLW(MD).No.153 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

REV.APLW(MD)No.153 of 2023

in

W.P(MD)No.20918 of 2021

and

W.M.P(MD)Nos.16332, 16333 & 16334 of 2023

J.Johnsonkumar

... Petitioner /
3rd Party

v.

1.Sivanesan

... 1st Respondent /
Writ Petitioner

2.The Revenue Divisional Officer,
Lalgudi,
Trichy District.

3.The Tahsildar,
Lalgudi Taluk,
Trichy District.

4.Sathiyamoorthi

5.S.A.Ilayaraja

... Respondents 2 to 5 /
Respondents



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PRAYER: Review Application filed under Order XLVII Rule 1 & 2 read with Section 114 of CPC to review the order passed in W.P(MD)No.20918 of 2021 dated 10.08.2022 by allowing the review petition with exemplary cost.

For Petitioner : Mr.B.Saravanan
Senior Counsel
for Mr.D.Kirubakaran

For Respondents : Mr.G.Kannan for R.1

Mr.S.Vinodh
Government Advocate
for R.2 & R.3

Mr.K.Prabakar for R.4

ORDER

Heard of both sides.

2.This application has been filed to review the order dated 10.08.2022 made in W.P(MD)No.20918 of 2021. The said writ petition was filed by one Sivanesan. Sivanesan represented before this Court that he was the incumbent pattadhar and that his patta was cancelled without notice to him vide order dated 27.04.2018. Finding merit in the said contention, the order impugned in the writ petition was quashed and the position that originally obtained was ordered to be restored. It is now



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brought to my notice that the patta in respect of the property originally stood in the names of three persons, namely, Pangajammal, Pragalathammal and Dhanabackiyam Ammal. Pangajammal and Pragalathammal had settled their share in the suit property in favour of Dhanabackiyam Ammal. Dhanabackiyam Ammal became the owner of the entire property. Dhanabackiyam Ammal executed power of attorney on 13.07.2009 in favour of Ilayaraja, who was shown as the fourth respondent in the writ petition.

3. Ilayaraja subsequently sold the petition mentioned property in favour of the review applicant vide sale deeds dated 02.02.2015. They were registered as Document No.390 of 2015 and 391 of 2015.

4. The review applicant claims ownership over the subject property. This was very much to the knowledge of the writ petitioner Sivanesan. In the affidavit filed in support of the writ petition, Sivanesan himself stated that Ilayaraja had sold the petition-mentioned property in favour of the review applicant in the year 2015. The writ petitioner had also filed a partition suit in O.S.No.96 of 2020, in which the review applicant Johnson Kumar is figuring as the tenth defendant. In these circumstances, Johnson



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Kumar, the review applicant herein, was very much a necessary party to the writ proceedings. Ilayaraja had admittedly ceased to have any interest in the petition mentioned property and therefore arraying him as one of the respondents was of no consequence. It is well settled that in any legal proceeding, all the necessary and interested parties should be shown as parties. Failure to implead a necessary party is fatal. On this sole ground, the order dated 10.08.2022 allowing W.P(MD)No.20918 of 2021 is set aside. This review application is allowed and the writ petition is dismissed. Liberty is given to all the parties concerned to workout their rights in the manner known to law.

5.This Review Application is allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

24.03.2026

Index :Yes/No
Internet:Yes/No
NCC :Yes/No
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G.R.SWAMINATHAN, J.

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