

IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE,
PERAMBALUR DISTRICT, TAMIL NADU STATE.

Present: Tmt.A.Balkis, B.L.,
Principal District Judge.

Thursday, this the 3rd day of October, 2024.

I.A.No.4/2023
in
O.S.No.25/2022

Murugapandiyan as Family Manager

--- Petitioner/Plaintiff.

-Vs-

1. Durairaj, S/o.(L) Muthusamy.

2. Arunagiri, S/o. Muthusamy.

3. Mageshwaran, S/o. Durairaj.

4. Murugesan, S/o. Durairaj.

All are residing at
Alathur Taluk, Perambalur District.

--- Respondents/Defendants.

5. The Revenue Divisional Officer, Perambalur.

6. The District Collector, Perambalur.

7. Tahsildar, Alathur.

8. The Assistant Executive Engineer,
Tamil Nadu Electricity Board, Chettikulam.

9. The Superintendent of Engineer,
Tamil Nadu Electricity Board,
Perambalur.

--- Respondents/
Proposed parties.

This petition is coming up before me for final hearing in the presence of Thiruvalargal.K.Dhanavel and M.A.Chinnappa, Advocates for the petitioner and Thiruvalargal.E.Valluvan Nambi, R.Paneerselvam, K.Periyasamy, P.V.Narmatha and P.Ilamaiselvan, Advocates for the respondents 1, 3 and 4 and Thiruvalargal.R.Thirumalai and Durai.Periyasamy, Advocates for the 2nd respondent and M/s.R.Santhanalakshmi, Government Pleader for the respondents 5 to 9 and upon perusing the petition, counter and other relevant records and upon hearing both side, this Court has passed the following:

ORDER

This petition has been filed U/O 1 Rule 10(2) and Section 151 of CPC to implead the respondents/proposed parties as 5 to 9 defendants in the main suit.

2. Brief averments made in the petition is as follows:

The case of the petitioner/plaintiff is that he has filed the suit for declaration and possession as against the defendants 1 to 4. In this case, the land situated Natarmangalam S.F.No.157/12A 0.34 ares and S.F.No.157/120 0.23.00 ares were originally belonged to one Duraisamy, S/o. Muthusamy who is the father of the petitioner/plaintiff and at the time of jamabandhi in MCP 21/19.04.2000 without any documents, patta has been changed to the name of Duraisamy, S/o. Muthusamy. Up to Fasli 1408, the patta No.359 was standing in the name of the petitioner's father but in Fasli 1409 patta no.382 was inserted. When he asked the copy of document under the Right to Information Act on the basis of which document the patta was changed, the revenue officials replied that there were no documents and thereafter he sent notice that a case is pending in the said survey number and therefore, service connection should not be given until the case is disposed and to clarify the said position, this petition has been filed to implead the proposed parties as defendants in the suit. If they are not impleaded as parties and then he will put to great loss and

hardship. Hence this petition.

3. The brief averments made in the counter filed by the 8th respondent/ proposed party and adopted by the 9th respondent/ proposed party as follows:-

The contention of the respondents/defendants is that the petition is not maintainable in law and on facts. All the allegations stated in the petition are false except those that are specifically admitted herein and the petitioner is put to strict proof of the same. The petition is liable to be dismissed in the limine. In the office of the 8th defendant, they have received an application along with revenue documents for service connection for construction work and they have inspected the property for giving service connection at that time, one Murugapandiyan objected to give service connection by stating that the property belonged to him. Further on 08.03.2022, he had filed an application of objection to give service connection to one Mageshwaran. Thereafter on 21.04.2022, the respondent sent letter to the revenue department along with Murugapandiyan for documents and he did not give any reply. On 19.04.2022, the application given by Mageshwaran was rejected for the reason that the service connection was sought for building mistakenly. Subsequently the 3rd defendant Mageshwaran filed a writ petition before the Hon'ble High Court in W.P.No.19643/2022 and it was disposed on 03.08.2022. As per the order of the Hon'ble High Court, the 3rd defendant Mageshwaran and the plaintiff Murugapandiyan were asked to submit the revenue documents to this respondent's office by sending letter dated 15.10.2022. Thereafter, the 3rd defendant Mageshwaran had applied for service connection with patta and documents by uploading in the online on 28.12.2022. Thereafter, the property was inspected by the 8th defendant and thereafter as per the rules estimate was made ready and based upon the inspection, service connection was given to the 3rd defendant after getting basic instruments from the 3rd defendant. Therefore, the 8th defendant had acted in accordance with law as per their board's rules and procedures. Therefore, they need

not be added as party in the suit and therefore, the petition may be dismissed.

4. Point for consideration is:

Whether the I.A.No.4/2023 has to be allowed or not?

Point:-

5. This application is filed to implead five officials as defendants 5 to 9 in the main suit. The suit is filed for declaration and possession.

6. According to the petitioner, the land in S.F.No.157/12A 0.34 ares and S.F.No. 157/12C 0.23.00 ares originally belonged to Duraisamy, S/o. Muthusamy who is the father of the petitioner/plaintiff and during jamabandhi in MCP 21/19.04.2000 without any documents, patta has been changed to the name of Duraisamy, S/o. Muthusamy. Up to fasli 1408, the patta No.359 was standing in the name of the petitioner's father but in Fasli 1409, patta no.382 was inserted. The petitioner/plaintiff was also sought for the document under which patta was changed and the same was not given to him. Further, until the disposal of the suit he had asked the E.B. officials not to give service connection. But in spite of his notice, E.B service connection was given to the defendant. According to the petitioner/plaintiff, the Revenue Officials, District Collector, Tahsildar, Assistant Executive Engineer and Superintendent of Engineer of Electricity Board are all to be added as defendants 5 to 9.

7. The 8th defendant filed counter and adopted by the 9th defendant stating that the 8th defendant received the application for service connection with documents and they have also inspected the property for giving service connection at the time, one Murugapandiyar who is the petitioner herein objected to give service connection by stating that the property belonged to him and he objected to give service connection to one Mageshwaran on 08.03.2022. Thereafter on consideration of his petition on 21.04.2022, the respondent sent letter to the revenue department along

with Murugapandiyan for documents. Further on 19.04.2022, the application given by Mageshwaran was rejected for the reason that the service connection was sought for building mistakenly. Thereafter the 3rd defendant Mageshwaran filed a writ petition before the Hon'ble High Court in W.P.No.19643/2022 and it was disposed on 03.08.2022. As per the order of the Hon'ble High Court, the 3rd defendant Mageshwaran and the plaintiff Murugapandiyan were asked to submit the revenue documents to this defendant/proposed party by sending letter dated 15.10.2022. Thereafter, the 3rd defendant Mageshwaran had applied for service connection with patta and documents by uploading in the online on 28.12.2022. Thereafter, the property was inspected by the 8th defendant and thereafter as per the rules, estimate was made ready and based upon the inspection, service connection was given to the 3rd defendant after getting basic instruments from the 3rd defendant. Therefore, the 8th defendant had acted in accordance with law as per the rules and procedures. Therefore, they need not be added as party and therefore this petition may be dismissed.

8. The point to be decided in this petition is whether the respondents/proposed parties 5 to 9 are to be added as necessary and proper parties to the suit.

According to the petitioner, the proposed parties did not go through the documents in proper manner and without following the rules, patta has been changed and service connection was given to the 3rd defendant for this purpose only the petitioner seeks to implead the proposed parties as defendants in the suit. The perusal of counter filed by the 8th defendant adopted by the 9th defendant shows that they acted in accordance with law and rules and given service connection. If at all the petitioner/plaintiff was aggrieved by the action of the 8th defendant and if at all rules were not followed in granting service connection or in changing patta from the name of the plaintiff to that of the defendant, he can very well summoned these officials as witness on his side and he can also summon the documents based upon which, the

orders in the mutation of revenue records were made by the proposed parties. It is not necessary that these government officials ought to have been impleaded as parties to the proceedings as they have acted upon the documents submitted by one of the parties to the suit. They have acted only within their limits. If they did not follow the rules, they can be summoned as witness and the points can be clarified. Therefore, this Court considers that this petition need not be allowed and this point is answered as against the petitioner/plaintiff.

9. In the result, this petition is dismissed. No costs.

Dictated to the Executive Assistant, transcribed and typed by her, corrected and pronounced by me in open Court, this the 3rd day of October, 2024.

Principal District Judge,
Perambalur.

Fair/Draft Order
I.A.No.4/2023
in
O.S.No.25/2022
D.D: 03.10.2024