

IN THE COURT OF I ADDITIONAL DISTRICT JUDGE, TIRUVALLUR

**PRESENT: Thiru.S.GANAPATHISAMY, B.A., B.L.,
I Additional District Judge, Tiruvallur**

Friday, the 16th day of September 2022

**I.A.No.8/2022
in
O.S.No.287/2020**

M.G.Dheenadayalan

.....Petitioner / Plaintiff

Versus

1.Mrs.Aburubammal

2.Mrs.Ganga Eswari @ Kuttiammal

3. Mrs.Santhi

4. M.G.Srinivasan

5. M.G.Vinayagam

6. Elumalai

7.Jayammal

8.Jayaprakash

9.Indarasanen

10.Sidhiah Naidu

... Respondents / Defendants

11.The Tahsildar, Tiruttani Taluk, Thiruvallur District.

12.The Sub-Registrar, Tiruttani Taluk, Thiruvallur District.

13.The Collector, Thiruvallur District, Thiruvallur.

... Respondents / Proposed Defendants 11 to 13

This Petition coming on 05.09.2022 for final hearing before me in the presence of M/s G.Mohanram, R.Sasikumar, G.Kamalakannan, R.Saravanan, M.Haribabu, learned counsels for the Petitioner/Plaintiff; 2 and 5th respondents remaining in exparte, A.N.Usha, learned counsel for the 3rd and 4th respondents, Mr.A.R.Poovannan, learned counsel for 7th to 10th respondents, Ms.N.Madhavai, learned counsel for the 6th respondent; the learned Additional Government Pleader for respondents 11 to 13; the counsel for the 11th to 13th respondents having made an endorsement as no counter; the other respondents having not filed any counter, perusing the related records, and having stood over for consideration till this day, this Court delivers the following :-

ORDER

The petitioner / plaintiff has come forward with this application under Order 1 Rule 10(2) of CPC to implead the 11th to 13th respondents as 11th to 13th defendants in the main suit inter alia alleging that when the suit for partition filed by the petitioner is pending, even after the issuance of notice by the plaintiff on 14.07.2021 to the proposed defendants requesting not to change any patta in favour of Elumalai, Jayammal, Jayaprakash, Indrasenan, Sidhiah or anybody in respect of the suit property, and the Sub-Registrar and the Revenue Officials are necessary parties to avoid the multiplicity of proceedings.

2. The petitioners have stated in their affidavit that if the Sub-Registrar registers any document, it will give a way to the multiplicity of the proceedings.
3. The counsel for the 11th to 13th respondents made an endorsement as no counter. The other respondents have not filed any counter.
4. Heard the counsel for the petitioners.
5. The point for consideration in this application is whether the 11th to 13th respondents are necessary parties and they can be impleaded as 11th to 13th defendants.
6. The 11th defendant is the Tahsildhar of Tiruttani Taluk, the 12th respondent is the Sub-Registrar and the 13th respondent is The District Collector. The petitioners want to implead the 13th respondent to represent the State. But the cause title is itself wrong in the petition and affidavit. The 13th respondent shall be shown as the State represented by its District Collector, Tiruvallur District. The petitioner / plaintiff has filed the main suit seeking the relief of partition and mesne profits in respect of the suit properties. In the plaint, the plaintiff has not pleaded anything about the proposed parties and he has not disclosed any cause of action as against the proposed parties. He has not sought for any relief as against the proposed parties. The plaintiff claims to have issued notice only on 14.07.2021 after institution of the suit requesting the revenue officials not to

change any patta. It is settled law that the change of patta would not amount to alienation of the properties. Furthermore, the revenue authorities are empowered to act in accordance with the provisions of Tamilnadu Patta Pass Book Act. It is the duty of the Registering Officers to register the documents presented with them with due stamp duty. Therefore, the court cannot injunct the authorities from discharging their official duties. If any alienation is made during the pendency of the suit, it will hit by doctrine of lis pendens for which the Sub-Registrar need not be impleaded. Furthermore, the presence of the proposed defendants is not necessary for the adjudication of the real controversy between the parties. The only question to be decided in this suit is whether the plaintiff is entitled to 1/6th share in the suit properties. The outcome of the suit will not affect the proposed parties. Even in the absence of the proposed parties, effective adjudication can be made in this suit. Therefore, I hold that the proposed parties are not necessary parties for the adjudication of the dispute. This application is devoid of merits.

7. In the result, the application is dismissed. No costs.

Dictated by me to the Steno-Typist and transcribed by her, corrected and pronounced by me in the open Court on this the 16th day of September 2022.

Sd/S.GANAPATHISAMY

**I Additional District and Sessions Judge,
Tiruvallur**

Both side Witness and Exhibits:- Nil

Sd/S.GANAPATHISAMY

**I Additional District and Sessions Judge,
Tiruvallur**

Fair/Draft Order

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DD : 16/09/2022