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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-08-2026

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

CRP No. 4047 of 2022
and CMP No.20990 of 2022

Muthuraman
S/o. Murugan

Petitioner(s)

Vs

Sundaram @ Kaveri Gounder (Dead)

1.Muniyammal
W/o.Govindasamy

2.Durai
S/o. Late Sundaram @ Kaveri Gounder

3.Rajeswari
W/o.Mahalingam

4.Sokkalingamm
S/o. Late Sundaram @ Kaveri Gounde

5.Ranjitham
W/o.Sakkiravarthy

6.The Commissioner
Hindu Religious & Charitable Endowments
Department, Chennai 600 034.

7.Periyannan
S/o.Madhaiyan

8.Pazhani
S/o.Dhanapal

9.Kasimani
S/o.Periyannan

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10.Vadivel
S/o.Ramar

Respondent(s)

PRAYER

Petition filed under Section 227 of the Constitution of India, against the fair and decreetal order dated 17.10.2022 made in IA.No.1 of 2021 in O.S.No.17 of 2011, on the file of Subordinate Court, Harur, Dharmapuri.

For Petitioner(s): Mr.V.Srihari

For Respondent(s): Mrs.S.Yogalakshmi
Additional Government Pleader
for R6
Mr.M.Selvam for R1 to R5

ORDER

This Civil Revision Petition has been filed under Article 227 of the Constitution of India, against the fair and decreetal order passed in IA.No.1 of 2021 in O.S.No.17 of 2011, dated 17.10.2022, on the file of Subordinate Court, Harur, Dharmapuri, wherein the application filed by the petitioner under Order I Rule 10 of CPC, to implead him as the defendant in this suit came to be dismissed by the Court below.

2.Heard the learned counsel for the petitioner, the learned counsel for the respondents 1 to 5 and the learned Additional Government Pleader for R6.

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3.This Court carefully considered the submissions made on either side and the materials available on record. This Court also went through the order passed by the Court below.

4.The respondents 1 to 5 are the plaintiffs in the suit. The suit was filed challenging the order passed in OA.No.236 of 1987, by the Commissioner of HR & CE declaring the hereditary trusteeship in the suit temple.

5.The 1st plaintiff in the suit filed WP.No.5078 of 2011, questioning the order passed by the Joint Commissioner of HR & CE dated 23.2.2011, appointing a fit person in the subject temple. In this writ petition, the petitioner filed WMP No.22704 of 2020 to implead himself as a party. This writ petition was closed by giving an opportunity to the petitioner to go before the Sub Court if he so chooses. Even while disposing the writ petition on 01.10.2021, it is made clear all the questions will be agitated by the respective parties in the suit.

6.Pursuant to the above order passed on 01.10.2021, the present application came to be filed by the petitioner in IA.No.1 of 2021 to implead himself as a party to the proceedings. The application came to be dismissed by the Court below by order dated 17.10.2022. Aggrieved by the same, the present Civil Revision Petition has been filed before this Court.

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7.In the case in hand, there is a dispute regarding the administration of Arulmigu Kollapuri Amman Temple in Harur Taluk, Dharmapuri District. It was being administered and managed by hereditary trustee earlier and it is the case of the petitioner that his great grandfather was also administering this temple. Thereafter, one Govindasamy was administering the temple and taking advantage of the same, the original plaintiff in the suit took over the administration of the temple. An application came to be filed in OA No.236 of 1987 under Section 63(b) of the Tamil Nadu Hindu Religious and Charitable Endowments Act and it was ordered in his favour. Thereafter, the Commissioner initiated suo motu revision and passed an order setting aside the order passed by the Deputy Commissioner. Aggrieved by the same, the suit was filed before the Court below.

8.The petitioner is also claiming a right on the ground that his great grandfather was the original trustee and he being the descendant is entitled to administer the temple as hereditary trustee.

9.Considering the dispute that is involved in the present case, impleading of parties cannot be dealt with as it is handled in a regular suit. The dispute involves hereditary trusteeship and the petitioner is also making a claim. Therefore when the suit is decided, even if the petitioner is not considered to be a necessary party, obviously he will be a proper party whose presence will be

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required while adjudicating the suit finally.

10.The Court below lost sight of this crucial fact and proceeded to dismiss the application filed in IA No.1 of 2021 b y order dated 17.10.2022. The order passed by the Court below suffers from perversity warranting the interference of this Court in exercise of its jurisdiction under Article 227 of the Constitution of India.

11.In the result, the fair and decreetal order passed in IA.No.1 of 2021 in O.S.No.17 of 2011, dated 17.10.2022, on the file of Subordinate Court, Harur, Dharmapuri, is hereby set aside and there shall be a direction to the Court below to implead the petitioner as the 6th defendant in the suit and proceed further with the suit in accordance with law.

12.Accordingly, this Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

13-08-2026

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
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N.ANAND VENKATESH J.

kp

To

1.The Commissioner
Hindu Religious & Charitable Endowments
Department, Chennai 600 034.

2.The Subordinate Court, Harur,
Dharmapuri.

CRP No. 4047 of 2022

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