

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02.01.2017

Coram

The Honourable MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.PD.Nos.191 and 192 of 2015
and
M.P.Nos.1 & 1 of 2015

1. P.V.Kumarasamy
2. P.M.Yoganathan
3. P.M.Jagadeeswaran
4. A.Ananda Kumar
5. M.Dharmalingam

... Petitioners

vs.

1. P.K.Thangaraj
2. Laxmiammal
3. The Panchayat Union Council
rep.by its Commissioner
Gobichettipalayam

... Respondents

Civil Revision Petitions filed under Article 227 of the Constitution of India against the fair and decreetal order dated 05.11.2014 passed by the learned District Munsif, Gobichettipalayam in I.A.Nos.917 and 918 of 2013 in O.S.No.284 of 2012 respectively.

For Petitioners : Mr.V.P.Karthikeyan
in both CRPs.

For Respondents : Mr.V.Anandhamurthy
in both CRPs. for RR1 and 2
Mr.V.Subbiah for R3

COMMON ORDER

The above Civil Revision Petitions have been filed by the proposed parties, being aggrieved by the orders passed by the court below in refusing to implead them as parties either as individuals or in the representative capacity for the public, in the suit filed by the respondents 1 and 2/plaintiffs seeking declaration and injunction as against the third respondent/defendant.

2. Heard both sides.

3. The brief facts of the case is as follows:

The plaintiffs are two individuals claiming independent right over the suit scheduled property filed the suit as against the defendant- Panchayat Union Council. The apprehension of the revision petitioners, is that the defendant in the suit will not putforth the entire facts in its right perspective to show that the suit property belong to the State of Tamil Nadu and therefore, the revision petitioners, who are the proposed parties have to be allowed to implead themselves as the parties in the suit in the representative capacity on behalf of the Polavakalipalayam Village.

4. It is stated in the affidavit filed in support of the application filed before the Court below that the suit property was gifted by its original owners to the Government of Tamil Nadu to run cattle shandy and the Government also accepted the said gift from the owners. Even prior to the execution of the gift deed, there was a registered lease deed executed in the favour of the Panchayat District Board, Coimbatore and it was fixed for a period of five years. However the lease period was further extended till 1964. It is also stated that the original owners have shown the portion gifted for cattle shandy in the sale deeds executed by them in favour of third parties. Since all these facts are not been brought forth by the defendant through relevant documents, the petitioners are seeking to implead themselves as a party in the suit either as an individuals or in the representative capacity of the said Village. The court below after going through all the above said facts had dismissed the applications, by holding that the apprehension of the petitioners are unsustainable.

5. As rightly held by the Court below, the apprehension of the revision petitioners are unfounded as they have stated that the defendant may not prosecute the case in proper perspective by putting forth the real facts. If the revision petitioners are otherwise interested in fighting for the common cause in a representative

capacity, it is open to them to take appropriate steps in the manner known to law. The revision petitioners are also have not stated what is the public interest involved in the suit property in a suit filed by the two individuals. Merely because, they have an apprehension that the defendant will not put forth the case in a proper perspective by exhibiting all the relevant documents pertaining to the case, the petitioners cannot be permitted to be impleaded as a party to the suit, that too in the representative capacity under Order 1 Rule 8 of Code of Civil Procedure.

6. Therefore, I do not find any perversity or illegality in the orders passed by the court below, warranting interference in these revisions. Accordingly, both the civil revision petitions are dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

02.01.2017

vj2

Index: Yes/No

Internet:Yes

To

The District Munsif, Gobichettipalayam

PUSHPA SATHYANARAYANA.J

C.R.P.PD.Nos.191 and 192 of 2015

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