

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2017

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.1735 OF 2012

and

M.P.No.1 OF 2012

1.V.Kaliaperumal (died)

2.Thennarasu

3.Ravikumar

.. Petitioners

-VS-

1.Parry Employees' Union,
Rep., by its General Secretary,
Nellikuppam Main Road,
Nellikuppam, Panruti Taluk,
Cuddalore District.

2.K.Ramalinga Reddiar

3.State of Tamil Nadu,
Represented by Collector,
Cuddalore District,
Cuddalore.

4.Hindu Religious and Charitable Endowment,
Rep., by its Commissioner,
having office at Nungambakkam High Road,
Chennai.

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair order and decretal order of the learned District Munsif of Panruti dismissing the I.A.No.1062 of 2009 in O.S.No.94 of 2009 by order dated 21.02.2012.

For Petitioners : Mr.R.Gururaj

For Respondents : Ms.R.Meenal For R1

No Appearance for R2 to R4

ORDER

This Civil Revision Petition has been filed to set aside the fair order and decretal order of the learned District Munsif of Panruti dismissing the I.A.No.1062 of 2009 in O.S.No.94 of 2009 by order dated 21.02.2012.

2. The petitioners are the third parties to the suit. Respondents 1 and 2 / plaintiffs filed the said suit against the respondents 3 and 4 / defendants for declaration declaring that the first plaintiff is the absolute owner of the suit property and for a direction to the third respondent to remove the name of Pillaiar Koil Nilam from the column Pattadar, in respect of items 4 to 6 of the schedule property and to include the first petitioner's name as Pattadar in the revenue records. The fourth

respondent filed the written statement and it was adopted by the third respondent.

3. Pending the suit, the petitioners filed the I.A.No.1062 of 2009 in O.S.No.94 of 2009 for impleading themselves as defendants 3 to 5 in the above suit. According to them, the suit property belongs to Pillaiar temple and nobody has right to sell the property. The respondents 1 and 2/plaintiffs have colluded with respondents 3 and 4, to obtain a decree in their favour. The petitioners are the worshipers and are taking important role during the festival time. Therefore, they are necessary parties to the suit.

4. The first respondent/plaintiff filed objection to the said application filed by the petitioners. The first respondent has submitted that only the individual pattadars can file the application for impleading them in the suit. The petitioners do not claim any title or interest in the suit properties. The petitioners have attempted to confuse the issue and cause unnecessary delay.

5. The learned Trial Judge, considering all the materials available on record, dismissed the application holding that the petitioners are not necessary parties to the suit.

6. Against the order of dismissal dated 21.02.2012 passed in I.A.No.1062 of 2009 in O.S.No.94 of 2009, the present Civil Revision Petition is filed.

7. The learned counsel appearing for the petitioners submitted that before filing the Civil Revision Petition, the first petitioner in I.A.No.1062 of 2009 in O.S.No.94 of 2009, V.Kaliaperumal died and the petitioners 2 and 3 have filed the Civil Revision Petition against the order dated 21.02.2012 in I.A.No.1062 of 2009.

8. The contention of the petitioners is that, as worshipers, they have right to protect the property belonging to the temple. The reasoning of the learned Judge that only office bearers of the temple can file the suit is erroneous and the petitioners filed present application.

9. The learned counsel appearing for the respondents 1 and 2 submitted that the petitioners are not necessary and proper parties to the suit as they have no right, title and interest in the suit property, and they were not elected as representatives / elected officers of the temple and thus prayed for dismissal of the Civil Revision Petition.

10. Heard, Mr.R.Gururaj, learned counsel appearing for the petitioners and Mrs.R.Meenal, learned counsel appearing for the first respondent.

11. It is seen that the respondents 1 and 2 have filed the suit for declaration declaring that the suit property belongs to the first respondent and for mandatory injunction to show them as owner in the revenue records.

12. The respondents 3 and 4, who are the District Collector and the HR & CE Department have filed written statement. The petitioners except saying that they are the worshipers of the temple and have taken active part during festival time, have not stated how they are necessary and proper parties in the suit. It is seen that only on apprehension that the first respondent will get exparte decree, the defendants 3 and 4 will not contest the suit properly, the petitioners seek to be impleaded as defendants.

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13. It is seen from the materials on record that defendants are the District Collector and Commissioner of HR & CE Department. Without any basis, the petitioners are alleging that the suit is collusive one and the respondents 3 and 4 will not contest the suit and the respondents 1 and 2

will obtain an ex parte decree. On the other hand, the respondents 3 and 4 filed the written statement on 06.07.2009 itself and are contesting the suit. Considering all the above facts, the learned Trial Judge has dismissed the application.

14. In these circumstances, I am of the view that there is no illegality or irregularity warranting interference by this Court.

15. In the result, the Civil Revision petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

16. The learned Trial Judge is directed to dispose of the suit in O.S.No.94 of 2009, as expeditiously as possible, not later than four months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

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10.07.2017

To

1.The General Secretary,
Parry Employees' Union,
Nellikuppam Main Road,
Nellikuppam, Panruti Taluk,
Cuddalore District.

2.The Collector,
State of Tamil Nadu,
Cuddalore District,
Cuddalore.

3.The Commissioner,
Hindu Religious and Charitable Endowment,
Nungambakkam High Road,
Chennai.

4.District Munsif Court,
Panruti.



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V.M.VELUMANI, J.,

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