



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

CRP(MD).No.281 of 2017

and

CMP(MD).No.1325 of 2017

- 1.Periyathambi
- 2.K.Somasundaram
- 3.M.Subramanian
- 4.A.Murugaiah
- 5.M.Muthaiah

: Petitioners

Vs.

- 1.Karuppiah
- 2.M.Balasubramanian
- 3.S.Chinnathurai
- 4.Nathan

5.The Exeuctive Engineer,
Neer Vala Aathara Amaippu South,
Vellaru Vadinila Kottam,
Pudukkottai.

6.The Assistant Executive Officer,
Neer Vala Aathara Amaippu South,
Vellaru Vadinila Kottam,
Aranthangi.

7.The Revenue Tahsildar,
Avudaiyarkovil,
Pudukkottai Taluk,

8.For Tamil nadu Governemnt
its Collector,
Pudukkottai District.

9.Avudaiyarkoil Shri Admanathaswami Devasthanam,
rep. by its hereditary Trustee.

: Respondents

Prayer: The Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order made in I.A.No.811 of 2013 in O.S.No.50 of 2012 on the file of the District Munsif Court, Aranthangi.



For Petitioner

: Mr. R. Paranjothi

ORDER

This Civil Revision Petition is filed against the fair and decreetal order dated 27.11.2014 made in I.A.No.811 of 2013 in O.S.No.50 of 2012 on the file of the District Munsif Court, Aranthangi.

2. The petitioners who are the plaintiffs have filed suit in O.S.No.50 of 2012 on the file of the District Munsif Court, Aranthangi, for injunction against the respondent restraining them from constructing Check Dam to take extra water from "A" Schedule Property to "E" Schedule Property. The 9th respondent filed I.A.No.811 of 2013 for impleading themselves as party defendants. According to them, they have vast extent of land in that village and they are also Ayacuttars. Therefore, they are necessary and proper parties to decide the issue in the suit. The petitioners opposed the said application and contended that 9th respondent is not necessary party, on the ground that their lands are in the upper side of Kanmai.

3. Before the learned Judge, the parties did not let in any oral evidence. The 9th respondent marked two documents as Exs.P1 and P2. The learned Judge considering the affidavit and counter affidavit and plaint documents Exs.P1 and P2 filed by the 9th respondent, allowed the application holding that 9th respondent is proper and necessary party to decide the issue in the suit.

4. Against the said order dated 27.11.2014, the present Civil Revision Petition has been filed.

5. The learned counsel appearing for the petitioners submitted that they filed suit for injunction as the plaintiff, it is for the petitioners to decide whom to implead as parties to the suit.

6. I have heard the learned counsel appearing for the petitioners and perused the materials available on record.

7. Before the learned Judge, 9th respondent filed Exs.P1 and P2. The learned Judge considering the Exs.P1 and P2 has held that 9th respondent has vast extent of land in the village and it is cultivated by tenants and they are Ayacuttars. The learned Judge considering the averments in the plaint and documents Exs.P1 and P2, held that 9th respondent is necessary and proper party to decide the issue in the suit.

<https://hcservices.courts.gov.in/hcservices/> In the circumstances, the learned Judge considered all the materials on record in proper perspective and has given cogent and

valid reasons for allowing the I.A.No.811 of 2013 in O.S.No.50 of 2012. Further the learned Judge has exercised his power conferred on him properly and there is no irregularity or illegality warranting interference by this Court.

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

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub Assistant Registrar

trp

To

1 The District Munsif Court,
Aranthangi

2.The Exeuctive Engineer,
Neer Vala Aathara Amaippu South,
Vellaru Vadinila Kottam,
Pudukkottai.

3.The Assistant Executive Officer,
Neer Vala Aathara Amaippu South,
Vellaru Vadinila Kottam,
Aranthangi.

4.The Revenue Tahsildar,
Avudaiyarkovil,
Pudukkottai Taluk,

5. The Collector,
Pudukkottai District.

+1cc to Mr.K.Balasundharam,Advocate Sr.No. 8017

+1cc to Spl.Government Pleader Sr.No. 7916

JAM/24.02.17 /SV-MMS/ 3p-8c

CRP(MD).No.281 of 2017 and
CMP(MD).No.1325 of 2017
10.02.2017