



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:22.02.2018

CORAM :

WEB COPY

THE HONOURABLE MRS. JUSTICE S. RAMATHILAGAM

C.R.P. (PD) (MD) Nos. 2356 & 2357 of 2013

and

M.P. (MD) No. 1 of 2013 & C.M.P. (MD) No. 5966 of 2017

1. Sakthivel Murugan
2. T. Muthumani
3. M. Muthulingam
4. T. Lingapandi
5. P. Chithiraivel

... Petitioners/Petitioners/
3rd parties
(In both Petitions)

vs.

1. P. Balasubramanian
2. Durairaj Nadar
3. Parthasarathy
4. M. Thillaipalam
5. S. Sermathurai Nadar
6. M. Arunachala Pandi

... Respondents 1-3/Respondents 1-3/
Plaintiffs

... Respondents 4-6/Respondents 4-6/
Defendants
(In both Petitions)

COMMON PRAYER: Petitions filed under Section 227 of Constitution of India, against the fair and decreetal order passed in I.A.No.876 of 2012 and I.A.No.877 of 2012 in O.S.No.145 of 2012 dated 19.07.2013 on the file of the Principal District Munsif Court, Valliyoor.

For Petitioners : Mr. H. Arumugam

For R1 to R3 : No Appearance

For R4, R5 & R6 : No Appearance
(In both Petitions)

COMMON ORDER

The suit in O.S.No.145 of 2012 was filed by the plaintiffs against the defendants 1 to 3 seeking relief of injunction restraining the defendants from performing the Pooja in the newly

constructed "Pathrakaliyamman Temple".

2. When the suit was filed for such a relief sought by the plaintiffs against the defendants, which are causing interference of the plaintiffs' right for performing Pooja in the newly constructed temple, this I.A.No.877 of 2012 was filed by the petitioners 1 to 5 claiming that the said Pathrakaliyamman temple is the common temple for the entire village. Apart from this temple, there are two more temples, for which, the Administrative Officer is being elected every year and the temple is being maintained by collecting funds through the Administrators. This is the procedure being adopted for nearly three generations. It is the grievance of the petitioners that these respondents are purposely avoiding these petitioners and 95 other persons who are the tax payers. Already regarding this issue that the respondents are avoiding these petitioners due to which, complaint was filed before the Tahsildar and the same is pending for enquiry. Hence, the petitioners seek that they have to be impleaded as necessary parties in the suit filed by the plaintiffs.

3. In the counter statement, the defendants have stated that the procedure adopted for the election of the Administrative Officer and maintenance of the temple is totally denied and for all the three temples, there is only one Administrative Officer who is administering all these temples. It is also further stated that these petitioners have not paid any tax and contribution to the temples and the defendants have constructed separate temple in Kariyanenthal and they are also performing separate Pooja in the temple. Hence, they prayed before this court that the petition filed by the petitioners may be dismissed.

4. The Trial Court after verifying the documents, which were filed by both parties, observed that there is no relief sought against these petitioners and only against the five defendants. The relief sought is that they should not cause any interference for performing of the Pooja in the temple. Hence, whatever the order passed in the said suit will not affect the right of the petitioners. Hence, the petition filed by the petitioners has to be filed only in the representative capacity and the other application that was filed to implead them as the proposed parties are not necessary for the present and the relief sought by the plaintiffs against the defendants was refused.

5. Based on the above said facts and also the averments made by both sides in the Trial Court, the purpose of impleading these petitioners or filing the suit in the representative capacity will not change or cause any prejudice to the relief sought by the plaintiffs when the relief is sought only against the defendants.



Hence, these Civil Revision Petitions are dismissed. No costs.
Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CSII)

/True Copy/

Sub Assistant Registrar

dss

To

1.The Principal District Munsif ,
Valliyoar.

2.The Record Keeper, V.R.Section, (2copies)
Madurai Bench of Madras High Court,
Madurai.

+1 CC TO Mr.H.ARUMUGAM , Advocate, Sr.No. 50800

JAM/29/05/2018/ JC/SAR 3/ 3P-6C

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