

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CRP (PD) No.505 of 2018 and
CMP No.2608 of 2018

Sree Varadharaja Perumal Temple,
Rep. By Radhakrishnan ... Petitioner

Vs

1. Geetha Devi

2. The Collector,
Coimbatore District,
Coimbatore - 18.

3. The Adhi Dravidar and Tribal
Welfare Department,
Coimbatore – 18.

4. R.Anantharaman

... Respondents

Prayer: The Civil Revision petition filed under Article 227 of the Constitution of India, against the fair and decreetal order, dated 25.10.2017 made in I.A.No.702 of 2017 in O.S.No.516 of 2017 on the file of the learned District Munsif, Sulur.

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.E.Vijayakumar for
Mr.B.Kumaraswamy
Mr.Y.T.Aravind Gosh
Additional Government Pleader for
R2 and R3

ORDER

The plaintiff in O.S.No.516 of 2017 has come forward with this revision, challenging an order made in I.A.No.702 of 2017, dated 25.10.2017, impleading the 1st respondent as 4th defendant in the suit.

2. The suit was laid by the plaintiff claiming a relief of permanent injunction against the District Collector, Coimbatore and the Tahsildar, Adhi Dravidar and Tribal Welfare Department, Coimbatore and one Anantharaman, contending that the suit properties were settled on the plaintiff temple by it's owners under the settlement deed, dated 25.06.1915. Therefore, the suit properties belonged to the temple and the temple has been in possession and enjoyment of the same. It is also claimed that the 3rd defendant who is a descendent of the Archaka of the temple has surrendered possession of the property in the year 2010 to the plaintiff's Executive

Officer. It is also stated that the defendants are attempting to interfere with the possession of the plaintiff. As it is always the case, the official defendants namely the Collector and the Tahsildar, remained exparte in the suit. The 3rd defendant who is the descendant of the Archaka also remained exparte. When the suit was posted for exparte evidence, the petitioner namely the 1st respondent herein filed an application under Order 1 Rule 10 of the Code of Civil Procedure, claiming that the suit properties have been acquired for the benefit of providing house sites to Adhi Dravidars, numbering about 272. Notifications to the effect, were also published in G.O.3D.No.705, dated 04.10.1994. The 1st respondent herein further claimed that she has been put in possession of the property along with other allottees.

3. The learned trial Judge upon a consideration of the claim made by the 1st respondent felt that she would be a necessary party to the suit. The application for impleading was filed under Order 22 Rule 4 of Code of Civil Procedure. But fortunately, the trial Court has treated it as one under Order 1 Rule 10 of the code and allowed the same. Hence the revision.

4. I have heard Mr.N.Manokaran, learned counsel appearing for the petitioner temple and Mr.E.Vijayakumar, representing Mr.B.Kumaraswamy the counsel for R1 and Mr.Y.T.Aravind Gosh, learned AGP for R2 and R3.

5. Mr.N.Manokaran, learned counsel appearing for the petitioner would vehemently contend that the trial Court was not right in allowing the application, in the absence of any proof regarding the acquisition of the land as claimed by the 1st respondent herein.

6. I am unable to countenance the submissions of the learned counsel in this regard. What has been allowed is the application for impleading of the 1st respondent as party to the suit. She has made out a prima facie case by pointing out that the lands have been acquired for the benefit of providing house sites to Adhi Dravidars in the year 1974.

7. The issues regarding the acquisition of the land by the Government and the allotment of the land to the beneficiaries will have to

be decided after trial in the suit. Therefore, the trial Court cannot be faulted for allowing the application for impleading.

8. Therefore, I do not find any merits in the Civil Revision petition. The Civil Revision therefore fails and it is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is closed.

02.11.2020

vum

Index: Yes/No

Speaking order / Non speaking order

To

The District Munsif, Sulur.



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R.SUBRAMANIAN, J.

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