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C.R.P. (PD) No.2266 of 2022
and C.M.P. No.11635 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2022

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

C.R.P. (PD) No.2266 of 2022
and C.M.P. No.11635 of 2022

1.Ramasamy
2.R.Dhanabal

...

Petitioners /
Plaintiffs

versus

1.State of Tamil Nadu,
Rep. by District Collector,
Office of the District Collector,
Tiruchengode Road,
Namakkal Town and Taluk,
Namakkal District.

2.Tahsildar,
Office of the Tahsildar,
Koneripaati Road,
Rasipuram Town and Taluk,
Rasipuram.

3.Rasipuram Municipality,
Rep. by Commissioner,
Near Old Bus Stand,
Rasipuram Town.

4.Dhanasekaran
5.Viswanathan

...

Respondents /
Defendants



PRAYER: Civil Revision Petition has been filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 07.09.2021 made in I.A.No.3 of 2021 in O.S.No.8 of 2021 on the file of the learned District Munsif, Rasipuram.

For Petitioners : Mr.S.Senthil

For Respondent Nos.1 & 2 : Mr.E.Vijay Anand
Additional Government Pleader

ORDER

This Civil Revision Petition has been preferred challenging the order of the learned District Munsif, Rasipuram dated 07.09.2021 made in I.A.No.3 of 2021 in O.S.No.8 of 2021.

2. The revision petitioners are the plaintiffs, who have filed the suit against the respondents for the relief of permanent injunction. During the pendency of the suit, the plaintiffs themselves filed a petition under Order 1 Rule 8 C.P.C. to treat the defendants 4 and 5 as the representatives of the residence of Rasi Nagar and the same was dismissed. Aggrieved over that, the plaintiffs have filed the present Civil Revision Petition.



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3. The learned counsel for the revision petitioners submitted that the fifth respondent had already filed a Caveat Petition in Caveat O.P.No.249 of 2021 before the learned District Judge, Namakkal wherein he described himself as Secretary and hence, he should be treated as representative of the residence of Rasi Nagar. It is further submitted that the paper publication has also been effected and no one has raised objection and hence, the Court ought to have allowed the petition.

4. It is to be noted that the prayer to allow the defendants 4 and 5 as representatives of the residence of Rasi Nagar was not originated from them. Even in the Caveat Petition filed by the fifth defendant in Caveat O.P.No.249 of 2021 he has not stated for which body or society he is the Secretary. The fifth defendant has simply described himself as the Secretary of Rasi Nagar and that was not substantiated with any other documents to show whether Rasi Nagar is a place or it is a Rasi Nagar residence society or any other body. In fact, the name of the fourth defendant is not seen in Caveat O.P.No.429 of 2021. Under such circumstances, the plaintiffs cannot force someone to act as representative of any group of people without his consent, even though the paper publication did not invite objections from



any one. Since the learned trial Judge has rightly dealt the issue and disallowed the petition, I do not find any ground for interference.

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5. Accordingly, this Civil Revision Petition is dismissed and the order dated 07.09.2021 passed by the learned District Munsif, Rasipuram made in I.A.No.3 of 2021 in O.S.No.8 of 2021 is hereby confirmed. Consequently, connected Miscellaneous Petition is closed. No costs.

22.07.2022

Speaking order / Non-speaking order

Index : Yes / No

Internet : Yes

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To

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1. The District Munsif,
Rasipuram.
2. State of Tamil Nadu,
Rep. by District Collector,
Office of the District Collector,
Tiruchengode Road,
Namakkal Town and Taluk,
Namakkal District.
3. Tahsildar,
Office of the Tahsildar,
Koneripaati Road,
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R.N.MANJULA, J.

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