



CRP.No. 2810 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.08.2023

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

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and
CMP.No. 17357 of 2023

1. Vallipurathampalayam Village Sengunthar
Community Welfare Sangam
a registered Society by its President
V.P. Appadurai.

2. V.P.Appadurai
3. B.Shanmugasundaram
4. V.V.Sakthivel
5. K.Sivaprakasam
6. S. Ganesan

... Petitioners

Versus

1. S. Sampantham
2. T.S. Srikumar
3. The State of Tamil Nadu
Represented by the District Collector
Erode District.
4.The District Revenue Officer, Erode.
5.The Revenue Divisional Officer, Erode.
6.The Tahsildar, Perundurai.
7.The Village Administrative Officer
Goundachipalayam 'B' Village.
Perundurai Taluk, Erode District.



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8. The Commissioner,
Hindu Religious Charitable and Endowment Department,
Nungampakkam, Chennai – 600 034.

9. The Joint Commissioner
Hindu Religious Charitable and Endowment Department,
Erode.

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, prays to set aside the fair and decretal order, dated 31.03.2023 made in IA.No. 02 of 2022 in OS.No. 141 of 2014 on the file of the District Munsif Court, Perundurai.

For petitioners : Mr. M. Guruprasad
For Respondents : Mr.Rakhi

ORDER

This Civil Revision Petition has been filed seeking to set aside the fair and decretal order, dated 31.03.2023 made in IA.No. 02 of 2022 in O.S.No. 141 of 2014 on the file of the District Munsif Court, Perundurai.



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2. The case of the petitioners/plaintiffs is that they have filed the suit in O.S.No.141 of 2014 before the District Munsif, Perundurai, for declaration, permanent injunction and other consequential reliefs. The defendants have contested the suit by filing written statement denying all the averments made in the plaint. While pending the suit, the petitioners/plaintiffs filed I.A.No. 2 of 2022 under Order 1 Rule 10(2) of CPC, seeking to implead the State Government of Tamil Nadu, represented by its District Collector, Erode, The District Revenue Officer, Revenue Divisional Officer, Erode, Tahsildar, Perundurai VAO, Gaundachipalayam B Village, The Commissioner HR & CE and the Joint Commissioner HR & CE as defendants in the suit. After perusing the records, the trial Court dismissed the application by order dated 31.03.2023. Aggrieved by the said order, the petitioners/plaintiffs have come forward with the present Civil Revision Petition.

3. Counter affidavit has been filed by the respondents 2 and 6 to 8 stating that the respondents/proposed parties are not a party in O.S.No. 15 of 1999 on the file of District Munsif, Perundurai and therefore, the Government has no knowledge about the case. The petitioners have filed



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several cases against the Government and others in the same property in the same prayer. The petitioners had filed the suit against the Government before the Court below in O.S.No. 132 of 2007, O.S.No. 29 of 2013 and O.S.No. 29 of 2016 for the same suit property. The Government is a party in O.S.No.132 of 2007 and O.S.No. 29 of 2013 and O.S.No. 29 of 2016. The suit in O.S.No. 132 of 2007 was dismissed by the Court below on 19.09.2014 and the petitioners had preferred an appeal in A.S.No. 18 of 2014 and the appeal was also dismissed on 03.09.2015. Therefore, the Government and HR&CE are not necessary parties in this suit. The issues in the suit are only between the plaintiffs and the defendants 1&2 alone, not between the plaintiffs and the Government. The present suit property is entirely different from the suit property in O.S.No.15 of 1999. The temples situated in the suit properties are under the control of 8th and 9th respondents. Therefore, the Government is not a necessary party in this suit proceedings. Hence, the respondents/defendants pray to dismiss the above Civil Revision Petition.



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4. Heard the learned counsel for the petitioners as well as the learned counsel for the respondents and perused the materials available on record.

5. On perusal of the petition and counter averments, it is seen that the respondents obtained decree in O.S.No. 15 of 1999 on the file of District Munsif Court, Perundurai to the effect that the suit properties and the temple are denomination temple of the petitioners/plaintiffs and therefore, the Government is not a party to the suit proceedings. But the learned counsel for the petitioners/plaintiffs contended that it is very necessary to implead the Government as a party to this suit proceedings to substantiate their case. In respect of the suit properties, some proceedings are pending and the respondents 3 to 7 and their presence are not necessary in the suit proceedings for proper adjudication.

6. It is further seen that the 2nd respondent contended that the respondents/defendants are not a party to the suit proceedings in O.S.No. 15 of 1999. Therefore, the decree of the said suit is not binding the



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respondents herein. The presence of the respondents 3 to 7 are not necessary to the above suit proceedings. The petitioners/plaintiffs have filed the suit in O.S.No. 132 of 2007 for the same suit property against the Government and some other suits. The suit in O.S.No.132 of 2007 was dismissed after full trial on 19.09.2014, against which the petitioners/plaintiffs had preferred an appeal in A.S.No.18 of 2014 and the same was also dismissed on 03.09.2015 and therefore, the government and HR&CE are not necessary parties to the suit proceedings.

7. The suit was filed by the petitioners/plaintiffs for declaring that the 1st plaintiff Vallipurathampalayam Village Sengunthar Community Welfare Sangam is the absolute owners of the suit properties, restraining the defendants from in any manner either trespassing into the suit properties of disturbing the peaceful possession and enjoyment over the suit properties to the plaintiffs by way of permanent injunction and declaring that the settlement deed dated 31.01.2014 executed in favour of the 2nd defendant by the 1st defendant in respect of the suit properties which is registered as Document No. 250 of 2014 on the file of the District Registrar, Erode, is null and void and



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unenforceable.

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8. While that being the case, for deciding the issue of ownership and title over the suit property and to decide the validity of the alleged settlement deed dated 31.01.2014, the proposed parties/Government and the HR&CE Officials are not necessary parties to the present suit proceedings. Hence, the trial Court perusing the records, has rightly dismissed the application and this Court is not inclined to set aside the findings of the trial Court. Therefore, there is no valid reason to interfere with the impugned order passed by the trial Court.

9. Accordingly, the Civil Revision Petition is dismissed. The trial Court can proceed with the trial and dispose of the suit in O.S.No. 141 of 2014 pending on the file of District Munsif Court, Perundurai, as expeditiously as possible. No costs. Consequently, connected Miscellaneous Petition is closed.

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Speaking Order : Yes/No
Neutral Citation : Yes/No
MSM



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To
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1. The District Collector
Erode District.
- 2.The District Revenue Officer, Erode.
- 3.The Revenue Divisional Officer, Erode.
- 4.The Tahsildar, Perundurai.
- 5.The Village Administrative Officer
Goundachipalayam 'B' Village.
Perundurai Taluk, Erode District.
6. The Commissioner,
Hindu Religious Charitable and Endowment Department,
Nungampakkam, Chennai – 600 034.
7. The Joint Commissioner
Hindu Religious Charitable and
Endowment Department,
Erode.
8. The Section Officer,
High Court, Madras.



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V.BHAVANI SUBBAROYAN, J.

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