



CRP(PD).No.464 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2025

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CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

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and

C.M.P.No.2774 of 2025

1.K.S.Karthikeyan
2.Marappan
3.S.Parvathi
4.S.Sumathi
5.S.Jothimani
6.R.Saminathan
7.V.S.Suresh
8.R.Prabhu Chandrakumar

... Petitioners

Vs.

1.M.K.Samiyappan

2.State of Tamilnadu
Rep.by District Collector
Tiruppur,
Tiruppur District.

3.The Tahsildar
Taluk Office,
Uthukuli Taluk,
Tiruppur District

4.The Chief Educational Officer,
Office of the District Educational Officer,
Tiruppur,
Tiruppur District.

5.The District Educational Officer,
Office of the District Educational Officer,



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Tiruppur,
Tiruppur District.

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6.The Executive Engineer,
Public Works Department,
Tiruppur,
Tiruppur District.

7.The Headmaster,
Government Girls Higher Secondary School,
Kunnathur,
Uthukulli Taluk
Tiruppur District.

... Respondents

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order dated 18.12.2023 made in IA.No.81/2022 in OS.No.78/2000 on the file of the District Munsif Cum Judicial Magistrate, Uthukuli.

For Petitioner : M/s.M.Guruprasad

For Respondent : M/s.T.Arun Kumar, AGP for R.2 to R.7

: R.1- Private notice served–No appearance

ORDER

Aggrieved by the rejection of their application for impleading them as plaintiffs 2 to 9 in a suit O.S.No.78/2020 on the file of the District Munsif Cum Judicial Magistrate, Uthukuli, the petitoiners/ proposed parties are before this Court.

2. The suit O.S.No.78 of 2020 was filed by one



M.K.Samiyappan against the defendants seeking an injunction restraining them from in any manner encroaching into the Second Item of the suit property and putting up a compound wall in the same and from in any manner preventing or obstructing the plaintiff from enjoying the Second item of the suit property. The Second item of the property is a cart track.

3. The petitioners herein on coming to know about the suit have come forward to implead themselves as they are also enjoying the Second item of the suit property (cart track) to reach their respective lands.

4. In the affidavit filed in support of the said petition they had clearly stated that they had come to know about the suit proceedings only recently and they have immediately taken steps to implead themselves so as to avoid multiplicity of proceedings. None of the defendants including the plaintiff had filed any counter objecting to the same. However, the learned District Munsif proceeded to dismiss the same stating that the proposed parties are not directly involved in



the dispute between the plaintiff and the defendants and therefore they are not necessary parties to the proceedings. Challenging the same, the petitioners are before this Court.

5. Heard the counsels on either side and perused the records.

6. The suit is filed for an injunction restraining the defendants from interfering with the use and enjoyment of the Second item of property. The Second item of the property is a cart track. The proposed parties would contend that it is this very same cart track to reach their respective lands. If any construction is put up on the said cart track it would work to the disadvantage of the Petitioners/proposed parties as well and therefore they have a direct interest in the lis and to avoid multiplicity of proceedings their presence in the above suit would be proper.

7. Therefore, the Civil Revision Petition is allowed and the order passed by the learned District Munsif Cum Judicial Magistrate, Uthukuli in IA.No.81 of 2022 is set aside. No costs. Consequently,



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the connected Miscellaneous Petition is closed.

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(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.The District Munsif Cum Judicial Magistrate, Uthukuli.

2.The District Collector
Tiruppur,
Tiruppur District.

3.The Tahsildar
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Uthukuli Taluk,
Tiruppur District

4.The Chief Educational Officer,
Office of the District Educational Officer,
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