



CRP(PD).No.783 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

CRP.(PD).No.783 of 2025

and

CMP.Nos.4608 of 2025

A.S.Jahangir

... Petitioner

Vs.

1.Sheik Mushtak

2.M.R.Sherif

3.Syed Hameed

4.Syed Abdullah

5.Syed Niyazullah

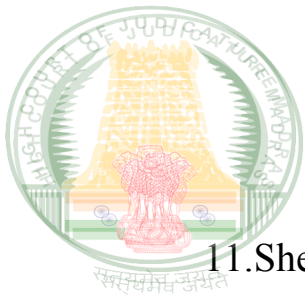
6.Syed Inayathulah

7.Sheik Inayathulah

8.Sheik Ansar

9.Sheik Rahamathullah

10.Sheik Shakir



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11. Sheik Malik

12. Sheik Khalil

13. Syed Nazar

14. The State of Tamil Nadu,
Rep. by Collector, Kallakurichi
O/c. Collectorate, G.H. Road, Kallakurichi Town and Taluk
Kallakurichi District

15. The Tahsildar,
Ulundurpet Taluk
Kallakurichi District

... Respondents

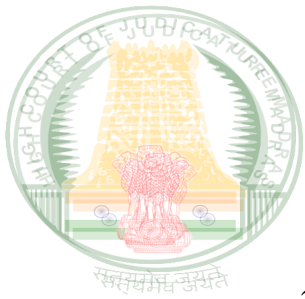
Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order passed in IA.No.1 of 2023 in OS.No.192 of 2019 dated 19.06.2024 on the file of the Hon'ble District Munsif Court, Ulundurpet.

For Petitioner : M/s.S.Ramesh Kumar

ORDER

Challenging the dismissal of his application for impleading respondents 14 (the Collector, Kallakurichi) and 15 (the Tahsildar, Ulundurpet Taluk) herein as defendants 14 and 15 in a suit OS.No.192 of 2019, the plaintiff is the petitioner before this Court.

2. The short facts are as follows:-



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3. The petitioner/plaintiff had filed a suit OS.No.192/2019 on the file of the District Munsif Court, Ulundurpet for the following reliefs:-

(i) To declare the pre-existing right of Muthavalliship of the plaintiff over the suit pallivasal;

(ii) Consequently restrain the defendants and their men and agents from in any way preventing the plaintiff from performing and administering the day to day affairs of the suit pallivasal as a Muthavalli, by means of a permanent Injunction; and

(iii) restrain the defendants and their men and agents from in any way putting up further construction in the suit pallivasal, by means of a permanent injunction;

4. The contention of the petitioner/plaintiff is that he is the Muthavalli of the private pallivasal called 'Ahalay Sunnath Jamath Mullah Mosque'. This mosque has been in existence from time immemorial in Natham Survey No.803/5 of Pidagam Village. The



petitioner/plaintiff would submit that prior to him, his predecessors were the Muthavallis who had functioned so for their lifetime administering the day to day functions of the pallivasal including Hajarath, Mousuen, Death ceremony prayers, etc;.

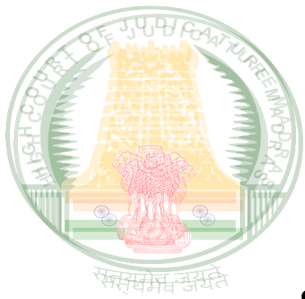
5. The petitioner/plaintiff would further submit that the land on which the mosque is situate belonged to his forefathers and he could trace title to the suit property through a gift settlement deed dated 27.08.1930 executed by Fatima Bi Ammal in favour of Abdul Samath & his minor brother Abdul Sadiq sons of Abdul Rahim Sahib. During his lifetime, Abdul Sadiq had performed the Kajiship (Muthavalliship) of the mosque. After the demise of Abdul Sadiq on 02.10.1985, the petitioner/plaintiff and his brother had taken the reigns and started functioning as a full fledged Muthavallis as per the wishes of their family. Due to certain family reasons, the petitioner/plaintiff and his brother had migrated by temporarily handing over the Muthavalliship as a caretaker to the 2nd defendant till 2013.

6. The petitioner/plaintiff would submit that during the Ramzan



of the year 2013, the petitioner/plaintiff had returned and taken over the duties of Muthavalliship through a proper resolution signed by the 2nd defendant and the fellow Jamathars and since then he has been performing the Muthavalliship openly to the knowledge of all. In February 2016, there was certain inter se dispute between the defendants which had gone up to the police. Thereafter, the plaintiff with a view to bring about peace and amity amongst the Jamathars had formed a working committee consisting of the 1st and 3rd defendants and 3 others. It was at this point in time that defendants 1 to 3 had decided to take over the management and Muthavalliship of the mosque and started scheming against the petitioner/plaintiff. They had gone to the extent of proclaiming themselves as Treasurers and Muthavalli of the suit mosque. Since their interference in the day to day activities of the petitioner/plaintiff as a Muthavalli of the suit mosque had increased, the petitioner/plaintiff had come up with the suit in question.

7. The defendants 1, 2, 3, 8 and 13 had filed a written statement denying the contentions of the petitioner/plaintiff.



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8 Pending the suit, the petitioner/plaintiff had filed IA.No.1 of 2023 to implead respondents 14 and 15 herein as defendants 14 and 15 in the suit OS.No.192 of 2019.

9. The petitioner/plaintiff would submit that the defendants had obtained approval by suppressing the pendency of the suit and misleading the officials and since the proposed parties are not parties to the suit, the defendants are feeding them with false information and therefore their presence is required.

10. The respondents/defendants had filed a counter in the application denying the allegations contained in the affidavit. They would contend that the proposed parties are neither proper nor necessary parties to the proceedings and the application is filed only to prolong and protract the proceedings.

11. The learned District Munsif Court, Ulundurpet, had



dismissed the application, stating that the proposed parties are neither necessary nor proper parties to the proceedings since the relief claimed has no bearing or relevance to them. Challenging the same, the petitioner is before this Court.

12. Heard the counsel for the petitioner and perused the records.

13. In the affidavit filed in support of the impugned petition, the petitioner/plaintiff would submit that the defendants had obtained approval by suppressing the pendency of the suit and misleading the officials and since the proposed parties are not parties to the suit, the defendants are feeding them with false information and therefore their presence is required.

14. The only reason given for seeking to implead the proposed parties, as stated in paragraph 4 of the affidavit filed in support of the petition, is as follows:-

*“I submit that is the absence of the
Government officials/proposed defendants, the*



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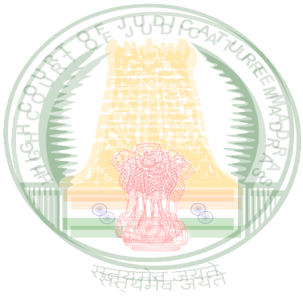


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defendants keep on misinforming public officials and as such the participation of the proposed defendants is very much necessary to decide the issue, comprehensively, as otherwise I would suffer irreparable loss and hardship that cannot be compensated by any other means.”

15. Neither the 14 respondents nor the 15 respondents are in any way concerned with the reliefs 1 and 2. As regards the 3rd relief, the petitioner/plaintiff would himself submit that the approval for construction had been obtained by feeding false information to the officials. Therefore, the proposed parties are neither proper nor necessary parties to the proceedings. The District Munsif, Ulundurpet has rightly dismissed the application and I see no reason to interfere with the same.

16. Accordingly, , the Civil Revision Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.



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Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.The District Munsif Court, Ulundurpet.

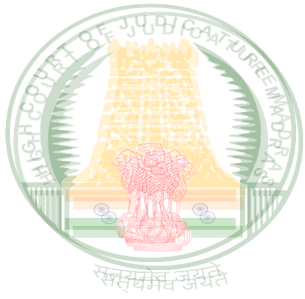
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