



WEB COPY

CRP(PD).No.241 of 2024,



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

CRP.(PD).No.241 of 2024

and

CMP.No.1135 of 2024

1.Rajan
2.Jayakumar
3.Vasanth

... Petitioners

Vs.

1.Palaniyappan
2.State of Tamil Nadu,
Rep. by the District Collector
Namakkal.
3.The Tahsildar,
Namakkal, Namakkal District.

... Respondents

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India to allow the Civil Revision Petition, by setting aside the fair and decreetal order dated 28.08.2023 passed in IA.No.1 of 2019 in OS.No.102/2018 on the file of the Additional District Munsif Court, Namakkal.



WEB COPY

CRP(PD).No.241 of 2024,



For Petitioner : M/s.S.Senthil
For Respondent : M/s.P.Palaniyandy for R.1
: M/s.K.Aswini Devi, AGP
for R.2 & R.3.

ORDER

Challenging the impleadment of the 1st respondent herein as the 3rd defendant in the suit, the plaintiffs are before this Court.

Brief facts are as follows:-

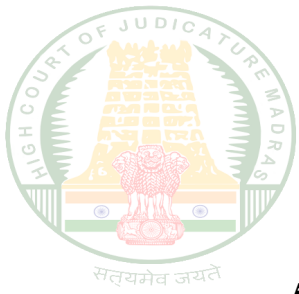
2. The plaintiffs had filed a suit OS No.102 of 2018 on the file of the Additional District Munsif, Namakkal for a permanent injunction restraining the defendants from making any change in the FMB or taking any other measures that would prevent the plaintiffs from enjoying the use of the AB pathway.

3. The plaintiffs would claim a right on the suit property which



is situate in S.No.27/7A, Periyapetti Village, Namakkal District, on the basis of a sale deed dated 26.05.1972 under which their father, Sellapan alias Sellapa Gounder had purchased the said property. After his demise, there was a partition in his family. In the FMB, an AB pathway measuring 16 feet has been shown. However, after an inspection, the defendants/authorities had found that the AB pathway measures only 10 feet and therefore they are attempting to make changes in the FMB. Hence, the suit.

4. Pending the suit, the 1st respondent has come forward with the application to implead himself in the suit proceedings. His contention is that the property comprised in Survey No.27/7, Periyapatti Village, Namakkal District totally measuring 43 cents out of a total extent of 1.61 cents belongs to him by virtue of a settlement deed dated 08.05.1985. It is the contention of the 1st respondent that various litigations had taken place between him and the plaintiffs in respect of the very same property. However, the plaintiffs had not chosen to implead him as a party to the proceedings. Therefore, he has come forward to file the above application.



WEB COPY

5. Despite the objection of the plaintiffs, the learned Additional District Munsif, Namakkal has proceeded to allow the implead petition, taking note of the various litigations that have taken place between the parties and also taking note of the fact that steps have been taken to mutate the revenue records. Challenging the same, the petitioners are before this court.

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

7. A perusal of the records would indicate that several litigations have taken place between the 1st respondent and the plaintiffs in respect of the very same property. Therefore, any order that is likely to be passed in the instant suit would also affect the 1st respondent. Therefore, the Additional District Munsif, Namakkal has rightly impleaded the 1st respondent in the suit and I see no reason to interfere with the same.

8. Accordingly, the Civil Revision Petition stands dismissed. No



CRP(PD).No.241 of 2024,



costs. Consequently, the connected Miscellaneous Petition is closed.

WEB COPY

04.04.2025

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.The Additional District Munsif Court, Namakkal.

2.The District Collector
Namakkal.

3.The Tahsildar,
Namakkal, Namakkal District.



WEB COPY



CRP(PD).No.241 of 2024,

P.T. ASHA. J.,

(shr)

CRP.(PD).No.241 of 2024
and
CMP.No.1135 of 2024

04.04.2025