



C.R.P(MD)No.2866 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 20.01.2025

CORAM

**THE HON'BLE MRS.JUSTICE K.GOVINDARAJAN
THILAKAVADI**

C.R.P(MD)No.2866 of 2024
and
C.M.P(MD)No.16387 of 2024

1.Dharmalingam

2.Rajkumar

... Petitioners

*(The petitioners for themselves and
representatives of the village peoples of
Vellaiyapuram Village, Kamuthi Town, Kamuthi
Taluk)*

Vs.

1.Common Pallivasal Management Board,
Kamuthi Town,
Sundarapuram,
Kamuthi Taluk,
Ramanathapuram District.
Represented through its Trustee,
A.Vahab.

2.The Tamil Nadu Government,
Represented by its District Collector,
Ramanathapuram District.

3.The Tahsildar,
Kamuthi,
Kamuthi Taluk,
Ramanathapuram District.



C.R.P(MD)No.2866 of 2024

4.The Executive Officer,
Town Panchayat Office,
Kamuthi,
Kamuthi Taluk,
Ramanathapuram District.

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order, dated 28.11.2023 made in I.A.No.4 of 2023 in O.S.No.107 of 2022 on the file of the Subordinate Judge, Mudukulathur, Ramanathapuram District by allowing this civil revision petition.

For Petitioners : M/s.M.Gopika

For R-1 : No appearance

For R-2 to R-4 : Mr.B.Saravanan
Additional Government Pleader

ORDER

The present Civil Revision Petition is preferred against the order passed in I.A.No.4 of 2023 in O.S.No.107 of 2022 on the file of the Sub Court, Mudukulathur, Ramanathapuram District.

2. The revision petitioners are the defendants in the above suit. The first respondent as plaintiff filed the above suit in O.S.No.107 of 2022 before the Sub Court, Mudukulathur for bare injunction against the



C.R.P(MD)No.2866 of 2024

private defendants. Thereafter, the revision petitioners took out an application in I.A.No.4 of 2023 in O.S.No.107 of 2022 for impleading the Government as necessary party in the above suit, since the suit property is a water body vested with the Government. However, the Trial Court dismissed the said application. Against which, the present revision is preferred.

3. According to the revision petitioners, the subject matter Oorani belongs to the Government and used by the public for taking water for various purpose. However, the suit was filed without impleading the Government as necessary party and therefore, the petitioners filed an application to implead the Government as necessary party in the above suit to arrive at a correct conclusion and have a fair adjudication. However, the Trial Court erroneously dismissed the said application which requires consideration by this Court.

4. The learned Government Advocate appearing for the proposed respondents submits that since the property vested with the Government, the Government has to be necessarily impleaded in the above suit and therefore, he has no objection in allowing this revision petition.



C.R.P(MD)No.2866 of 2024

5. Heard the learned Counsels on either side and perused the materials available on record.

6. Admittedly, the suit property belonged to the Government and used by the public. Therefore, considering the above facts and circumstance of the case, the Trial Court ought to have allowed the said application to have a fair adjudication. Hence, the order passed by the Trial Court dismissing the implead petition is set aside and the present revision petition is allowed. The Trial Court is directed to carry out the necessary amendment in the plaint. Accordingly, the present revision petition is allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

20.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

1. The Subordinate Judge,
Mudukulathur,
Ramanathapuram District.



C.R.P(MD)No.2866 of 2024

2.The District Collector,
Tamil Nadu Government,
Ramanathapuram District.

3.The Tahsildar,
Kamuthi,
Kamuthi Taluk,
Ramanathapuram District.

4.The Executive Officer,
Town Panchayat Office,
Kamuthi,
Kamuthi Taluk,
Ramanathapuram District.



WEB COPY



C.R.P(MD)No.2866 of 2024

K.GOVINDARAJAN THILAKAVADI, J.

BTR

Order made in
C.R.P(MD)No.2866 of 2024

20.01.2025