



CRP(MD). No.62 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 19.01.2026

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THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

**CRP(MD). No.62 of 2026
and
CMP(MD) No.335 of 2026**

1.Malaichamy

2.Subramanian

3.Kumarapandian

... Petitioners

Vs

1.The District Collector
District Collectorate Building
Marudhupandiyar Nagar
Sivagangai Taluk
Sivagangai District.

2.The District Revenue Officer
District Collectorate Building
Marudhupandiyar Nagar
Sivagangai Taluk
Sivagangai District.

3.The Revenue Divisional Officer
District Collectorate Building
Marudhupandiyar Nagar
Sivagangai Taluk, Sivagangai District.

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4.The Thasildar
Office of Thasildar
Thirupavanam Town
Thirupavanam Taluk
Sivagangai District.

5.Sonai

6.Mari

... Respondents

PRAYER :-Civil Revision Petition filed under Article 227 of The Constitution of India, to set aside the fair and decreetal order dated 17.11.2025 passed in I.A.No.03/2024 in O.S.No.33/2024 (on the file of District Munsif cum Judicial Magistrate Court, Thiruppuvanam).

For Petitioners : Mr.N.Vallinayagam

For R1 to R4 : Mr.F.Deepak
Special Government Pleader

ORDER

The plaintiffs in O.S.No.33 of 2024 on the file of the District Munsif cum Judicial Magistrate Court, Thiruppuvanam, have filed the present Civil Revision Petition, challenging the order of dismissal made in I.A.No.3 of 2024, dated 17.11.2025.

2.The petitioners/plaintiffs have filed the above suit against the respondents 5 and 6 herein/defendants in the representative capacity of



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the general public of Allinagaram-Vellakarai Colony for injunction. At the time of filing the suit, an application under Order 1 Rule 8 of C.P.C., was not filed and subsequently, the petitioners had filed an application in I.A.No.3 of 2024 before the trial Court, seeking permission of the Court below to represent the suit for themselves and on behalf of the general public of Allinagaram-Vellakarai Colony. However, the said IA., came to be dismissed by the trial Court on 17.11.2025. Challenging the same, the present Civil Revision Petition has been filed.

3.The learned counsel for the petitioners would submit that the suit involves common questions of law and fact affecting numerous persons having the same interest and that permission under Order I Rule 8 CPC is essential for effective adjudication. The Court below, without considering the facts and circumstances of the case properly, had dismissed the application, which warrants interference of this Court. Hence, he prays for appropriate orders.

4.The learned counsel for the petitioners relied upon the judgment of the Hon'ble Supreme Court in the case of The Chairman, Tamil Nadu



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Housing Board Vs. T.N.Ganapathy reported in (1990) AIR (SC) 642, wherein, it had been stated as under:-

“The Court, while considering whether leave under the Rule should be granted or not, should examine whether there is sufficient community of interest to justify the adoption of the procedure provided under the Rule. The object for which this provision is enacted is really to facilitate the decision of questions, in which a large number of persons are interested, without recourse to the ordinary procedure. The provision must, therefore, receive an interpretation which will subserve the object for its enactment. There are no words in the Rule to limit its scope to any particular category of suits or to exclude a suit in regard to a claim for money or for injunction, as the present one.”

5.He had also relied upon the order of this Court made in CRP(MD) No.385 of 2019 (Meeran Maraikayar Vs. Abdul Kathar and others), dated 29.06.2021, wherein, it had been stated as under:-

“(7) Order I Rule 10 works on a different footing. Where in a lis between two parties raising a right in personam, it is found that a third party to the suit is also a necessary party who has to be impleaded and whose presence is required for an effective disposal of the issues raised in the suit or if it is found



that the issues determined in the suit would affect the interest, then such third party will have to be necessarily impleaded in the suit. That is the case where the right in personam is agitated between the plaintiff and the defendant.

(8) The scope of Order I Rule 8 is much far wider. It encompasses what is normally called a right in rem and for that purpose, publication is directed with respect to institution of the suit, inviting any third party who may be interested to apply to the Court, establishing his rights, especially his interest over the subject matter of the suit and then, inviting a decision by the Court to decide whether he should be impleaded or not.

(9) The onus is on the learned District Munsif, to examine the application made by the 3rd party/stranger and decide whether he is interested and whether his presence is required or whether any orders passed in the suit would directly affect him. Even though the basis or reason for impleading may be the same, the scopes of Order I Rule 8 is difference and Order I Rule 10 is different.

(10) I would therefore request the learned District Munsif, Maduranthakam, to re-examine and follow the provisions under Order I Rule 8 of CPC and thereafter pass considered orders in the suit.

(11) The order under revision is therefore, set aside with a direction to the learned District Munsif, Maduranthakam, to once again take on file IA.No.386 of 2018, follow the procedure



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as set out in the Code and then pass orders, after hearing all the required parties.

(12) The issue whether the revision petition is maintainable or not, is not taken up since as the plaintiffs have filed in representative capacity, each one of them have raised a cause and just one of them appearing before the Revision Court may not render revision petition itself as not maintainable.”

6.Heard the learned counsel for the petitioners and perused the records.

7.Mr.F.Deepak, learned Special Government Pleader takes notice for the respondents 1 to 4. Since no adverse order is going to be passed in this petition as against the respondents 5 and 6, notice to the respondents 5 and 6 is dispensed with.

8.Admittedly, the present application had been filed seeking permission of the Court below to represent the above suit in the representative capacity of the general public of Allinagaram-Vellakarai Colony, which came to be dismissed by the trial Court on 17.11.2025, based on the objections raised by some of the public of the said village

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about the petitioners' representation in a representative capacity.

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9.The Court below upon consideration of the records and the submissions made had rightly dismissed the application filed under Order I Rule 8 of the Code of Civil Procedure mainly on the ground that objections were raised by certain village persons. It is to be noted that the very fact that some of the village residents have come forward and objected to the claim made by persons, like the petitioners clearly indicates absence of unanimity or identity of interest among the persons sought to be represented. When there are rival claims and objections from within the same village, it cannot be presumed that all such persons have the same interest as contemplated under Order I Rule 8 CPC.

10.It is settled that representative proceedings under Order I Rule 8 CPC can be permitted only when the interest of all persons sought to be represented is common and not conflicting. In the present case, since objections were raised by certain village persons opposing the petitioners' claim, the basic requirement of commonality of interest was found to be lacking. The Court below had rightly exercised discretion in



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dismissing the application filed under Order I Rule 8 CPC and that no illegality, perversity or jurisdictional error was made out so as to warrant interference in Revision. Further, the judgment relied upon by the learned counsel for the petitioners is not applicable to the facts of the present case.

11.In fine, the Civil Revision Petition stands dismissed. No costs.

Consequently, connected Miscellaneous Petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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19.01.2026

To

1.The District Munsif cum Judicial Magistrate,
Thiruppuvanam.

2.The District Collector
District Collectorate Building
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Sivagangai District.

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N.SENTHILKUMAR, J.

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