



CMP(MD). No.3977 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 15/06/2026

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THE HONOURABLE MR. JUSTICE P.B. BALAJI

CMP(MD). No.3977 of 2024 in
SA(MD).No.185 of 2022

1. P.Chinnapparaja
2. P.Susaimanickam

... Petitioners

Vs

1. Sivakasi Hindu Nadaruravinmu Rai, Mahamai Fund,
Represented by its Secretary
A.P.R.Ponnuchamy Nadar (Died)..
2. A.Selvam,
3. Anthoniyammal,
4. A.Ravindran,
5. A.Rajmohan,
6. K.Krishnadevi,
7. Jeyarathinam,
8. Shenbavalli,
9. P.Arjunan,
10. The Tahsildar,
Srivilliputhur Taluk,
Virudhunagar
District.

... Respondents

PRAYER :- To permit the petitioner to implead the proposed respondents
No.10 as respondents No.10 in S.A.(MD).No.185 of 2022 pending
disposal of the this court.

For Petitioners : Mr. T. Lajapathy Rai
Senior counsel for Mr. T.Thirumurugan
For Respondents 2 to 3 : Mr.D. Senthil,
For respondent No.6 : Mr.S.I. Muthaiah



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Counsel for State of Tamil Nadu

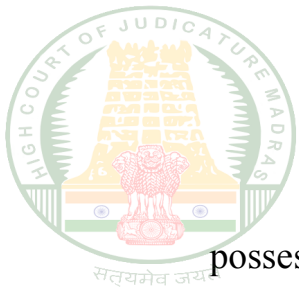
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ORDER

This petition has been filed by the petitioners, who are admittedly tenants under the first respondent/plaintiff, seeking to implead the Tahsildar as one of the parties to the second appeal.

2. The learned counsel for the appellants would point out to the plaintiff averments and allegations, wherein the plaintiff himself has stated that it is the Government who is the owner of the suit property, and that the appellants have set up a claim of title against the Government. He would also point out that this Court, at the time of hearing, had directed notice in the present CMP and called for counter.

3. The learned counsel for the appellants would further state that though there has been a decree in favour of the first respondent/plaintiff in the earlier round of litigation, which has been confirmed up to the Hon'ble Supreme Court, the documents now relied upon show that the suit property is "Sarkar poramboke" land and that it has come into his



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possession only recently. Therefore, according to him, the Government is a proper and necessary party, and the plaintiff, under the guise of the decree, should not assert rights over Government property.

4. The learned counsel appearing for the first respondent/plaintiff would state that the respondent's title has already been upheld in the earlier round of litigation, wherein the appellants were also parties, and the present suit has been filed only for recovery of possession on the footing that the appellants are lessees under the first respondent. He further states that in the earlier round of litigation, the District Collector was very much a party to the suit, and the verdict declaring title in favour of the first respondent/plaintiff has been accepted with no appeal preferred by the District Collector.

5. Mr. Muthaiah, learned counsel for the State of Tamil Nadu, states that he has no objection to the impleadment and that the State will abide by any order passed by this Court.

6. This Court has carefully considered the submissions advanced by the learned counsel on either side.



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7. Admittedly, the petitioners claim to be lessees under the first respondent/plaintiff and were also parties to the earlier round of litigation, wherein the first respondent's title was declared, and the same has attained finality up to the Hon'ble Supreme Court. It is only on the basis of the said declaration of title that the present suit has been filed for recovery of possession, treating the appellants as lessees under the first respondent.

8. The appellants also do not dispute the fact that they were inducted into the suit property as lessees under the first respondent. In view of the said stand of the appellants, there is a clear estoppel under Section 116 of the Indian Evidence Act, and the appellants cannot now turn around and contend that the Government is the owner or that the first respondent/plaintiff is not entitled to seek recovery of possession.

9. The second appeal has already been admitted on the following substantial question of law on 17.03.2022:



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“Whether the Courts below were right in granting a decree for recovery of possession, when the a plaintiff has already succeeded in getting decree for permanent injunction and there is no allegation that the defendants have encroached over the suit schedule properties after a decree for permanent injunction?”

10. The second appeal is therefore to be heard only on the above said question, which does not require the presence of the State revenue authorities. It is needless to state that if the State is of the opinion that the suit property belongs to it, it is always open to the State to take appropriate action in the manner known to law. It is not necessary that 10the Revenue Authority be arrayed as a respondent in the present second appeal to decide the lis between the appellants and the first respondent.

11. Accordingly, the CMP is dismissed. Post the second appeal for final hearing on 08.07.2026.

15.06.2026

trp

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