

IN THE COURT OF THE MUNSIFF, KANJIRAPPALLY.
Present : Smt. Smitha Susan Mathew, Munsiff

Tuesday 21st day of January 2025
1st day of Magha 1946

I.A 4/2024 & I.A 6/2024 in O.S 348/2022

I.A 4/2024 in O.S 348/2022

Petitioner:-

Ramachandran Nair, Aged 61 Years, S/o
Madhavan Pillai, Ambadi Purayidam House,
Punchavayal Kara, Erumely North Village.

By Adv. P.K. Baiju.

Respondent:-

Mundakayam Grama Panchayath,
Mundakayam Village, Kanjirappally Taluk,
represented by the Secretary.

By Adv. Muhammed Haris K.S.

I.A 6/2024 in O.S 348/2022

Petitioners:-

- 1) Thiruvithamkoor Devasam Board,
represented by its Secretary.
- 2) Ramachandran Nair, Aged 61 Years, S/o
Madhavan Pillai, Ambadi Purayidam House,
Punchavayal P.O., Erumely North Village,
Kanjirappally Taluk.

By Adv. P.K. Biju.

Respondent:-

Mundakayam Grama Panchayath,
Represented by Secretary, Mundakayam
Grama Panchayath.

By Adv. Muhammed Haris K.S.

These petition having been finally heard on 21.01.2025
and the court on the same day passed the following:-

COMMON ORDER

IA 04/2024 was filed for arraying the petitioner as 3rd plaintiff in O.S 348/2022.

2. IA 06/2024 was filed by the same petitioner alleging that the petitioner was arrayed as respondent in I.A 04/2024 and he be transposed as defendant in the above O.S. Plaintiffs and defendant in O.S 348/2022 opposed the applications stating that the petitioner has no right to take part in the proceedings before the court between plaintiffs and defendants in the suit.

3. Heard. Perused the case records.

4. IA 04/2024 and 06/2024 are filed by same petitioner.

5. IA 04/2024 was filed seeking permission to implead the petitioner as 3rd plaintiff. This petition is still pending and no order as to implead the petitioner as respondent or defendant is passed in IA

04/2024. Hence IA 06/2024 filed alleging that the petitioner was impleaded as 'respondent' and he is to be transposed as additional plaintiff is groundless and IA 06/2024 is infructuous. The petitioner is not a party to the suit till date.

6. The suit was filed by the Dewaswom Board Authorities against Mundakkayam Grama Panchayat alleging that the Mundakkayam Grama Panchayat started construction of a building in the property owned by Dewaswom Board. It is alleged that the Sree Parthasarathy Temple at Mundakkayam is under the governance of Dewasom Board and the property belongs to Parthasarathy temple is to be governed by Dewasom authorities. Hence the Dewaswom authorities sought for a decree of permanent prohibitory injunction against Mundakkayam Grama Panchayath who started a building construction in the property allegedly owned by Dewaswom board. The petitioner herein raises allegation against plaintiffs and defendant. According to him he filed WP(C) No.1375/23 against the construction of building in the property of Sree Parthasarathy temple, Mundakkayam before the Hon'ble High court. He claims that a notice was issued by the Hon'ble High Court in December 2022 against Dewasom authorities and Mundakkayam Panchayath secretary in this writ petition. He stated that the writ petition is still pending before the Hon'ble High court. He raises allegation against Dewaswom board as well as defendant in this petition. If the property belongs to Dewasom board, it has the right to protect it. The board had taken steps to protect it. There is no need of impleading a devotee in the

suit to protect the interest of the temple in this case. The Dewaswom board is representing the interest of the devotees. This petition would show that the petitioner raises allegation against the Dewaswom board who is the plaintiff herein. Because of these reasons the petitioner cannot be impleaded as plaintiff in this suit. Moreover, a writ petition filed by the petitioner in the same subject matter, as he claims, is still pending before the Hon'ble High court. Hence he cannot be impleaded as plaintiff in this suit and the petition is liable to be dismissed

In the result, IA 04/2024 and 06/2024 are dismissed.

Dictated to the Confidential Assistant, typed by her corrected by me and pronounced in open court on this the 21st day of January, 2025.

Sd/-

SMITHA SUSAN MATHEW
MUNSIFF

APPENDIX :-Nil

Id/-
MUNSIFF

//True copy //

Typed By : Sheeba C.N.

Compd. By :Jisamol S.R.

MUNSIFF