

**IN THE COURT OF SUBORDINATE JUDGE,
MADURANTAKAM.**

**Present: Mr. T. GANESH, B.A., B.L.,
Subordinate Judge,
Madurantakam**

**Thursday, this 19th day of June 2025
I.A.No. 328/2016
in
O.S.No. 75/2016
(CNR.No.TNCG13000363-2016)**

P.Porselvan,
Rep.by Power of Attorney,
V. Palanisamy

... Petitioner/Plaintiff

..Vs..

1. Vilvarayanallur Village Panchayat,
Rep.by its president
2. Purushothaman
3. Arumugham
4. R. Kumar
5. K. Kumar
6. Ramesh
7. Raja
8. Venkatesan
Respondents 4 to 8 for themselves and on behalf of Entire
Villagers of Vilvarayanallur Village, Madurantakam Taluk.
9. Arumugam
10. Sankar
11. Sekar
12. Mani

13. Munusamy
14. Subramani
15. Ganesan
16. Chokkalingam
17. Govindaraj
18. Jayaraman

(Amended as per order in I.A No. 1/2021 dated: 03.08.2023)

... Respondents/Defendants

This petition coming up for final hearing on 13.06.2025 in the presence of Mr.S.Subramanian, Counsel for the petitioner/plaintiff and Mr. K.Ganesan, counsel for the 1strespondent/1stdefendant and Mr.T.Ilangovan, counsel for the respondents 2 to 8/defendants 2 to 8 and Mr.S.Rajkamal, counsel for the respondents 11 and 12, 15 to 17 and respondents 9, 13 and 18 are died and respondents 10 and 14 called absent and set exparte and after hearing the arguments on both sides and upon perusing the records, having stood over for the consideration of this court till date, this court delivered the following;

ORDER

This petition is filed by the petitioner under Order I Rule 8 of Civil Procedure Code to permit the plaintiff to sue the respondents/defendants 2 to 8 for themselves and on behalf of entire villagers of Vilvarayanallur Village, Madurantakam Taluk in representative capacity.

2. Petition in brief:

Petitioner is the plaintiff in the suit for declaration and injunction. Plaintiff is the owner of the suit property, purchased from Tamilmaran and others on 08.09.2010. Petitioner is in possession and enjoyment and patta stands in his name. Prior to him, his vendors were in possession and

enjoyment for several decades and have prescribed title by adverse possession. Defendants have no right, title, or interest over the suit property. Panchayat President Ekambaram is inimical to the plaintiff and is instigating others to lay claim, alleging it is public property. On 17.08.2016, an attempt was made to trespass and same was successfully averted. Apprehension of further trespass remains. Hence, suit filed for declaration of title and permanent injunction. Defendants 2 to 8 are instigating other villagers of Vilvarayanallur. Villagers exceed 2000 in number and it is impractical to implead each and everyone. Hence, this application to permit the defendants 2 to 8 to be sued for themselves and on behalf of others similarly interested.

Hence this petitioner files this petition to permit the plaintiff to sue the respondents/defendants 2 to 8 for themselves and on behalf of entire villagers of Vilvarayanallur Village, Madurantakam Taluk in representative capacity.

3. Counter of 2nd respondent and adopted by respondents 2 to 8 in brief:-

The respondent denies the allegations set out in the affidavit. Property measuring Hectares 0.36.0 Ares in Punja Survey No.185/1 of Vilvarayanallur Village was originally possessed and enjoyed by V.G. Rangachari and 20 other villagers, for which Patta No.32 was issued in their joint names. Property measuring Hectares 0.25.5 Ares in Survey No.185/3 was originally held by Kozhala Gounder and 29 villagers, with Patta No.16 issued accordingly. Further, Hectares 0.19.0 Ares in Survey No.184/C was under the possession and enjoyment of V.R. Kannan and 21 villagers, with Patta No.167 granted in their names before 1970. All these parcels of land are adjacent and collectively used by the people of Vilvarayanallur Village. Despite being covered under joint pattas, the lands

have been commonly enjoyed by the entire village community and regularly used for temple functions, annual Pongal celebrations, and the Manju Virattu festival on Thiruvalluvar Day. With an intent to grab these community properties, the plaintiff, in collusion with local mischief-mongers, allegedly created bogus documents and filed the present suit for declaration. Not only the respondents are affected, but all villagers of Vilvarayanallur are equally impacted by the plaintiff's actions. The entire community is willing to contest the suit on its merits. Respondent objects to being treated as a representative of the public and is prepared to defend the case only in his personal capacity as a resident of Vilvarayanallur. He reserves his right to file an additional counter, if necessary. Hence this petition is liable to be dismissal with cost.

4. The respondents 10 and 14, inspite of service of notice, failed to appear and hence they were called absent and set exparte and respondents 9, 13 and 18 were died.

5. No oral and documentary evidence adduced by both sides.

6. Heard both sides and perused the records.

7. Point:

“Whether the petition can be allowed?”

The petitioner has filed the present application under Order I Rule 8 of the Civil Procedure Code seeking permission to sue the defendants 2 to 8 in a representative capacity for themselves and on behalf of the entire villagers of Vilvarayanallur Village, Madurantakam Taluk.

The petitioner is the plaintiff in a suit for declaration of title and permanent injunction. According to the petitioner, he is the absolute owner of the suit property, having purchased the same from Tamilmaran and others through a registered sale deed dated 08.09.2010. The property stands

in his name, patta has been transferred, and he has been in peaceful possession and enjoyment, raising trees and making use of the land without disturbance. His vendors are said to have been in possession for several decades and perfected title by adverse possession.

The petitioner alleges that the Panchayat President, one Ekambaram, is inimical to him and is instigating the local villagers to claim that the suit property is public land. It is specifically alleged that the villagers, led by defendants 2 to 8, attempted to trespass into the suit property on 17.08.2016, though such attempt was thwarted. The apprehension of repeated attempts to encroach upon the land continues. Given that the villagers of Vilvarayanallur exceed 2000 in number, the petitioner contends it is neither practicable nor feasible to implead every individual and hence seeks leave of this Court to sue defendants 2 to 8 in a representative capacity under Order I Rule 8 CPC.

In the counter, the respondent admits that the issue relates to land commonly used by all villagers for public functions and religious festivities. While the respondent disputes the plaintiff's claim of title and alleges collusion in document creation, the respondent also acknowledges that the dispute affects the entire village community and that all the villagers are willing to contest the suit on merits. However, the respondent objects to representing others and expresses unwillingness to act in a representative capacity.

Upon a careful consideration of the pleadings and facts presented, this Court is satisfied that the dispute pertains to land which is claimed to be of public character by a large number of people from Vilvarayanallur Village. The petitioner alleges that only defendants 2 to 8 are active participants in the conflict and are leading the challenge on behalf of the

village. It is well settled that under Order I Rule 8 CPC, when numerous persons have the same interest in one suit, one or more of such persons may be permitted to represent all. The condition of impracticability of impleading all such interested persons is satisfied in this case.

Though the respondent denies willingness to act in a representative capacity, such objection cannot override the nature of the dispute and the evident fact that defendants 2 to 8 are actively opposing the plaintiff on behalf of a larger group. This Court is of the view that the interest of justice would be best served by permitting the suit to proceed in representative capacity, subject to the conditions under Order I Rule 8(2) CPC being followed.

8. Result:-

In the result this application is allowed. No costs.

Directly typed in my personal lap-top, corrected and pronounced by me in the open court, this 19th day of June 2025.

Subordinate Judge,
Madurantakam.

Both sides evidence and Exhibits : Nil.

Subordinate Judge,
Madurantakam.

	<p>DRAFT/FAIR ORDER I.A No. 328/2016 in O.S No. 75/2016 D.D: 19.06.2025 SUB COURT, MADURANTAKAM</p>
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