

**IN THE COURT OF THE II ADDITIONAL DISTRICT MUNSIF,
NAGERCOIL.**

Present : Selvi. V. Sivaranjani, B.A., L.L.B.,

II Additional District Munsif, Nagercoil.

Monday, on the 2nd day of March, 2026.

I.A.No.3 of 2024 in O.S. No. 17 of 2024

CNR No.TNKK04-000039-2024

1. Arulmigu Devi Sree Mutharamman Thirukovil and
Sudalaimadaswamy Hindu Nadar Vagai Trust,
Sarakkalvilai rep. by its President M. Basker

2. M. Basker

3. J. Jeyavelmurugan

4. S. Chenthilvel

5. C. Nadarajan

6. K. Sakthivel

... Petitioners / Proposed
Addl. Defendants 6 to 11

-VS-

1. V. Mathan

2. R. Sathiya Rooban

3. N.K. Sathasivam

4. A. Sivakumar

5. B. Abinesh

6.. S. Vaikundaraja

... Respondents / Plaintiff
Defendants 1 to 5

This petition came before this court on 18.02.2026 for a final hearing in the presence of Mr. C. Azhakesan, Advocate for the Petitioners and Mr. R. Pravin, Advocate for the 1st Respondent / Plaintiff, endorsed “ No

counter ” and Mr. R. Siva Rajendran, Advocate for the 2nd to 6th Respondents and upon hearing both sides, perusing the case records, and having stood over for consideration till this day, this court hereby delivers the following:

ORDER

The Petitioner has filed the present petition under Order 1 Rule 10(2) and Section 151 of the Code of Civil Procedure, seeking to implead the petitioners as additional defendants 6 to 11 in the suit for proper adjudication.

2. Gist of Averments in the Petitioners case:

The petitioner is a third party to the suit and the president of Arulmigu Devi Sree Mutharamman Thirukovil and Sudalaimada Swamy Hindu Nadar vagai Trust, Sarakkalvilai. The plaintiff has filed the suit seeking Declaration and mandatory injunction and also for permanent injunction.

3. According to the petitioners, the reliefs sought by the plaintiff are not maintainable as the reliefs are sought against wrong party, because the village administration was made by Arumig Devi Sree Mutharamman Thirukovil and Sudalaimada swamy Hindu Nadar vagai Trust, Sarakkalvilai and it is stated that the petitioner along with other committee members administers the trust established by the oor committee.

4. The petitioner affirms that the Sarakkalvilai Village is located at Vadiveeswaram South Village, Agastheeswaram Taluk of Kanyakumari District.

There are around 310 families in the village. All the families belong to the Hindu Nadar community. The residents of the village, like their ancestors, have been worshipping in the two temples namely Arulmighu Devi Sri Muthaaramman Thirukovil and Sudalai Madaswami Kovil for the past 150 years.

5. The lands upon which these temples are situated have been recorded in the name of "Kovil Vagai", and it belongs to the villagers. Apart from that, there are other landed properties commonly belonging to the villagers and several other lands to the Government for various purposes.

6. The petitioner claims that only the major male members of the village who are self earning are eligible to become members in the village committee and in case of an outsider settled in village, upon his willingness, will be member only if he had purchased an immovable property within village limits. In case the eldest male member of a family dies, his widow is allowed to pay the subscription and remain a member, till a male child of the family attains majority and starts earning by himself.

7. The petitioner further avers that from time immemorial, The temple and village administration were managed by a locally constituted village committee, which collected subscriptions from earning Male members of the village. The committee, consisting of a President, Vice President, Secretary, Treasurer, and Accountant met periodically at the Amman Temple on the eve of the last Friday

of every Tamil month. Office bearers were nominated in meetings without elections, and in case of multiple claimants, selection was made by draw of lots. About 600 members presently contribute subscriptions. The subscription amount is fixed by the committee based on expected expenses.

8. The petitioner further states that certain former office bearers attempted to create a pathway through Temple lands for their private benefit and encroach upon the property, which was opposed by village elders, leading to a police complaint and registration of a case in 2014. The temple traditionally conducts several annual and periodic festivals and Poojaas, funded through community subscriptions and income from Temple-owned land.

9. The petitioner submits that he and others were earlier excommunicated by the former committee, which was challenged before the honourable High Court and the court directed that they be allowed to participate in Temple and village activities. Subsequently in a village committee meeting held in December 2018, the earlier office bearers were removed and New office bearers, including the petitioners were appointed and registered trust was formed in February 2019 to administer the temple.

10. However, the removed office bearers allegedly continued to interfere with the administration, refuse to handover Temple properties and records and were involved in various disputes and criminal incidents. The petitioner states that despite efforts to conduct Temple festivals and maintain peace, the

defendant created false documents, interfered with the trust's administration, and even trespassed into the temple premises to conduct festivals unlawfully, while the matter was pending before the honourable High Court.

11. Therefore, the petitioner contended that the administration of the temple now vests with the registered trust and that only the trust office bearers have the locus standing to represent it. Since the present suit concerns, the temple dministration, the petitioners as trust, office bearers or necessary parties and must be included as additional defendant for proper adjudication of the case.

12) **Gist of Averments in the 2nd to 6th Respondent's Counters:**

The respondents have raised their serious contention and refuted. The impleading petition stating that has been filed with malafide intention to harass respondent 3 to 6. The respondent contention is that the plaintiff who was earlier the secretary of the committee was removed from the post by the General body on 10.12.2023 and the fifth defendant was nominated as secretary, challenging his removal, The plaintiff filed the present suit . The respondent further contention is that the impleading petitioners have no locus standi to seek to be impleaded based on trust, allegedly created by them, which is fraudulent and unauthorised. The respondents further state that the village committee has been functioning for several years and was earlier headed by Veeramani in 2013 at that time. The petitioner Bhaskar and his associates interfered with the administration and were removed from the subscription, membership list,

leading them to file repetition before the High Court subsequently, after the earlier committee tenure ended, a new committee was formed on 15.11.2015 and on 07.04.2017, the President office bearers, including the plaintiff were nominated by the General body.

13. The respondent also affirms that while the petition was pending, the petitioner and his associates allegedly created a trust in the name of Arulmigu Devi, Sri Muthu, Raman Thirukovil and Sudalai, modern Swami Hindu Nadar Samudhaya Vagai, trust in 2019 without the knowledge or consent of the Village community, and without any approval of the General body. The respondent contended that the trust and supplementary trust deeds were created fraudulently and illegally and several persons were included as members without their consent, resulting in complaints before the Kotar Police Station. The temples have always been administered by the village committee and the key documents and the title deeds or in the custody of the committee under the leadership of the first defendant. repetition was pending,

14. The respondents further state that disputes arose in 2019 regarding the conduct of the Chithirai Kodai festival, resulting in writ petitions before the High Court. The matter was referred to the Sub-Collector, Nagercoil, who permitted the village committee under the 1st defendant to conduct the festival in May 2019 and directed that Basker and others be included again as subscription members. Accordingly, their names were re-included and they also

participated in the festival conducted peacefully by the village committee.

15. Later, the Sub-Collector directed conduct of village committee elections in 2019, but Basker challenged the proceedings before the High Court and obtained an interim stay. Despite the stay on elections, the administration of the temples continued under the existing committee headed by the 1st defendant, which conducted various temple festivals from 2019 onwards without issues. In a general body meeting on 12.11.2021, the same office bearers were unanimously re-elected for another three-year term.

16. The respondents also state that disputes arose again in 2023 when Basker and his associates, allegedly in collusion with the plaintiff, attempted to interfere with the administration by issuing a separate notice to conduct the Karthigai festival through the alleged trust. This led to quarrels among villagers and criminal cases being registered by the Kottar Police. Proceedings were also initiated under Section 145 Cr.P.C. before the Tahsildar, which were later closed after inquiry.

17. The respondents submit that the plaintiff acted against the interests of the village committee and temples and, after issuing show-cause notices, he was removed from the Secretary post on 10.12.2023 in a special general body meeting and replaced by the 5th defendant. The respondents also state that writ petitions were filed before the High Court regarding police protection for conducting the Karthigai festival, which were later dismissed as infructuous

after the festival period had passed, with liberty to approach the revenue authorities.

18. According to the respondents, the temples have always been administered only by the Sarakkalvilai Oor Hindu Nadar Samuthaya Village Committee and not by the alleged trust created by Basker and his associates. Hence, the petitioners have no right or locus standi to be impleaded in the suit. They further contend that the impleading petition has been filed in collusion with the plaintiff only to interfere with temple administration and delay the proceedings. Therefore, the respondents pray that the impleading petition be dismissed as unnecessary and vexatious.

19. On the side of the 2nd and 6th Respondents, Exhibits R1 to R6 marked. No oral evidence adduced on either side.

20 . The point for consideration is whether the Petitioners are necessary or proper parties to the suit and whether the above petition has to be allowed or not?

20.1. Heard both sides. Records perused.

The petitioner herein is the third party to the suit. The relief sought by the plaintiff in the suit is that declaration to continue as secretary of the village committee and for declaring that resolution dated 12.01.2024 is null and void and for permanent injunction.

20.2. On careful readings of the pleadings and the relief sought in the suit, it appears that the immediate dispute raised by the plaintiff is the validity of his removal from the post of the secretary of the village committee and the legality of the resolution by which he was removed.

20.3. .On one hand, the petitioner asserts that a registered trust was constituted in the year 2019 in the name of Arul Devi Sri, Mutharamman, Thirukovil, and Sudalai, Ma Swamy Kovil Hindu Nadar Samudhaya Vagai trust. As such, on the basis of the said trust deed and supplementary trust deed, claiming the administration and management of the temples have been invested with the said trust and its office bearers. According to the petitioners, the trust presently administers the offers of the temple, including the conduct of festivals, management of temple properties, and other related activities.

20.4. Per contra, the respondent categorically disputed the claim of the petitioners and contend that the temple has been traditionally and continuously administered by the SarakalVilai Oor Hindu Nadar Samudhaya village committee consisting of village members of the locality. The respondents further contend that all trust said to have been created in the year 2019 was formed without the knowledge, approval or consent of the general body of the villagers and therefore the petitioners cannot claim any lawful authority over the administration of the temples. On perusal of Respondents side exhibits Ex.R1 to Ex.R6,

20.5. Ex.R2 is the petition filed in W.P.(MD) No, 9375 of 2015 by the petitioner challenging the above-mentioned ex-communication and the Hon'ble High court of Madras, Madurai Bench passed orders dated 20.03.2019, stated as below:

"The Petitioners' complaint is that they have been illegally excommunicated and want the official respondents to take action against those who have indulged in the said act. The fact that the petitioners have been excommunicated is admitted by the private respondents themselves in their counter affidavit. The officials ought to see that such acts of excommunication should not be allowed to be committed. This court is therefore inclined to give the following directions: " (i) The petitioners shall be entitled to take part in all the village temple festivals. Whenever a donation is collected for temple festivals from the devotees, it shall be collected from the petitioners also. (i) It is made clear that the petitioners shall be allowed to enjoy all the facilities, which any fellow-villager is entitled to enjoy. If the petitioners are prevented, the fourth respondent is bound to register the First. Information Report against the offenders and take action as per law. The writ petition is disposed of accordingly. No costs."

20.6. Ex.R3 is the Common order in W.P. (MD) No.8563 of 2019 and 8597 of 2019 passed by the Hon'ble High Court disclose that both the writ

petition heard together and dismissed by stating that the matter already pending before revenue authorities and thus the petitioner is at liberty to work out their remedy in a manner known to law after RDO's decision regarding the same.

20.7. Ex.R5 is the order passed by the Sub-Collector at Nagercoil after fully heard the matters regarding the administration and management of the temples vide A3/2019/2019 dated 10.05.2019 permitting the 1st defendant to conduct the Chithirai Kodai Vizha Festival for Arulmighu Devi Sree Mutharamman Thirukovil at Sarakalvilai. The above said order reveals that "விசாரணையில் மேற்படி சரக்கல்வினை ஊரில் உள்ள 565 உறுப்பினர்கள் / வரிதாரர்களில் பெரும்பாலோர் திரு. சத்தியரூபன் தலைமையிலான தற்போதையை நிர்வாகத்தின் கீழ் இருந்து வருவதாகவும் கோவில் சாவி, ஊர் மினிட் புத்தகம், வரவு - செலவு கணக்கு புத்தகம் மற்றும் கோவிலுக்கு உரிமைப்பட்ட அனைத்து சொத்துக்களின் அசல் பத்திரமும் மேற்படி சத்தியரூபன் தலைமையிலான நிர்வாகத்தின் கைவசத்திலேயே இருந்து வருவதாகவும். இதற்கு முந்தைய 3 ஆண்டுகளிலும் இதே நிர்வாகத்தால் மேற்படி கோவில் கொடை விழா நடத்தப்பட்டுள்ளதாக தெரிய வருவதாகவும் W.P (MD) No 9375/2015 ல் 20.03.2019 நாளிட்ட உத்தரவின்படி திரு. பாஸ்கர் உள்ளிட்ட நான்கு நபர்களையும் எங்கள் ஊர் உறுப்பினராக / வரிதாரராக சேர்த்து கொள்வோம் என்றும், அவர்கள் கோவிலுக்கு வரி தந்தால் வரி வாங்குவதற்கு தயாராக உள்ளோம் என்று திரு. சத்தியரூபன் தரப்பில் வாக்குமூலம் அளித்திருப்பதை ஏற்றும், திரு.பாஸ்கர் தரப்பினர் கோரியபடி மேற்படி கோவில் திருவிழா முடிவுற்ற

பிள்ளர் அகஸ்தீஸ்வரம் வட்டாச்சியர் மற்றும் நாகர்கோவில் கண்காணிப்பாளர் முன்னிலையில் புதிய ஊர் நிர்வாக கமிட்டியினை தேர்வு செய்ய வேண்டும் என்ற நிபந்தனைகளுக்கு உட்பட்டு திரு.சத்தியரூபன் தலைமையிலான நிர்வாகத்தினர் எந்தவித சட்ட ஒழுங்கு பிரச்சினையும் ஏற்படாது வண்ணம் கோவில் கொடை விழாவினை 13.05.2019 முதல் 16.05.2019 வரை நடத்துவதற்கு ஆணை பிறப்பிக்கப்பட்டிருந்தது.

20.8. Ex.R1 is the Trust deed dated 14.02.2019 disclose that a trust formed and registered in the name of "Arulmighu Devi Sri Muthaaramman Thirukovil and Sudalaimaadaswami kovil Hindu Nadar Samuthaya vakai Trust, Sarakalvilai" on 14.02.2019 vide Document No.4/43/2019 at the Office of Joint Sub Registrar, Kanyakumari.

20.9. Subsequently, Ex.R4 is the Supplementary Trust Deed dated 28.03.2019 disclose that the petitioners registered a Supplementary Trust Deed in the same Registrar Office vide Document No. 4/83/2019 on 28.03.2019. The administration of the temple and its affairs have come to vest with the Trust and it is managed by this Trust.

20.10. Ex.R6 is the Order by the the Hon'ble High Court in W.M.P(MD) No 13561 in W.P (MD) No 17119 of 2019 disclosed that n order of interim stay to the election process as to be performed by the revenue Department granted as against the Sub-Collector election proceedings dated 25.07.2019 vide Na.Ka No A3/2019/2019 and the consequential proceeding of the Tahsildar at Nagercoil

dated 29.07.2019 with regard to conduct the village committee election under the supervision of revenue department which was challenged by the petitioner Baskar for a reason that the same is contrary to their claim and acceptance already made by the petitioner and his associates before the Sub-Collector's enquiry.

20.11. Before proceeding to decide this petition, this court would like to give the extract of **Order 1 Rule 10 (2) CPC which reads as under:**

(2) Court may strike out or add parties: The court may at any stage of the proceedings, either upon or without the application of either party, and on such terms as may appear to the court to be just, order that the name of any party improperly joined, whether as plaintiff or defendant, be struck out, and that the name of any person who ought to have been joined, whether as plaintiff or defendant, or whose presence before the court may be necessary in order to enable the court effectually and completely to adjudicate upon and settle all the questions involved in the suit, be added.

Also, it is proper to cite : **Balvant.Viswamitra and others Vs.Yadav Sadashiv Mule (dead) through his legal representatives reported in 2005 3 L.W Page 20 observed as follows:**

The law on the subject is well settled: A necessary party is one without whom no order proper party is one in whose absence an effective order can be made but whose presence is necessary for a complete and final decision on the

question involved in the Proceedings.

20.12. Therefore, Order 1 Rule 10 (2) empowers this Court to implead any party at any stage of the proceedings either as plaintiff or defendant upon or without any application of either party, whose presence appears to be necessary in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the suit.

20.13. On careful perusal of pleadings and materials, this court perceives that apart from the question relating to the removal of the plaintiff from the post of secretary, the dispute also touches upon the larger dispute relating to the authority and control over the administration and the management of the temple. Also, there exists a competing claim between the village committee and the alleged trust regarding the authority to administer and manage the temples and their properties.

20.14. In the present case, the plaintiff seeks a declaration that he continues to be the secretary of the village committee and that the resolution removing him from the post is null and void. However, the petitioners contend that a registered trust was formed in the year 2019, and that the administration of the temple now vests with the said trust. Thus, while the plaintiff asserts Authority through the village committee, the petitioners claim authority through the registered trust. Any declaration regarding the authority of the plaintiff as secretary of the village committee may directly affect the petitioner's claim

regarding the administration of the temples through the trust. Therefore, the presence of the petitioners is necessary for the effective and complete adjudication of the dispute and indispensable to avoid multiplicity of proceedings. if in case, if the proposed parties are not impleaded, the decree passed in the suit may lead to further litigation between the party claiming administration through the trust.

20.15. Whether the plaintiff colluded with the petitioner and a trust is a fraudulent one could be decided only after the full fledged trial.

20.16. Furthermore, impleading the petitioner as an additional defendant is not about introducing a new cause of action or it does not fundamentally alter the character of the suit but only limited to regarding Temple administration. The allegation of collusion between the plaintiff and the petitioners is a matter of evidence that cannot be decided on this application but can be decided only after full fledged trial. In the light of above facts, findings, discussions, and circumstances, this court holds that the petitioner being a proposed parties and having substantial interest in the subject matter as an alleged trust office bearer and considering suit relief of declaration regarding position of secretary, affects administration and to avoid incomplete adjudication and multiplicity of proceedings. In view of above facts and circumstances, this court is of the view that the petitioners have a substantial interest in the subject matter of the suit and therefore are necessary and proper parties to the proceedings. In the result, this

petition is allowed and the petitioners are to be impleaded as additional defendants 6 to 11 in the suit.

As a result, this petition is allowed. No cost.

The Order directly dictated to steno-typist typed in computer, and after making necessary corrections, and pronounced by me in the open court, this the 2nd day of March 2026.

II Additional District Munsif
Nagercoil

Petitioners side witness :- - Nil -

Petitioners side Documents:- Nil -

2 to 6 Respondents side witness: - Nil -

2 to 6 Respondents side Documents:

Ex.R1	14.02.2019	Trust deed
Ex.R2	20.03.2019	Order in W.P. (MD) No.9375 of 2015
Ex.R3	10.04.2019	Common order in W.P. (MD) Nos.8563 of 2019 and 8597 / 2019
Ex.R4	28.03.2019	Supplementary Trust deed
Ex.R5	04.07.2019	Sub Collector's Order at Nagercoil
Ex.R6	02.08.2019	Order in WP (MD) No.17119 of 2019 and WMP (MD) No.13561 of 2019

II Additional District Munsif
Nagercoil.

II ADM, Nagercoil.
Draft/Fair Order
I.A.No.3/2024 in
O.S.No.17 of 2024
Date: 02.03.2026.