

IN THE COURT OF THE DISTRICT AND SESSIONS JUDGE, KARUR

PRESENT:- THIRU.K.H.Elavazhagan, B.Sc., M.L.,

DISTRICT AND SESSIONS JUDGE

Thursday, the 26th day of February 2026

I.A.No.101/2026 In O.S.No.118/2018

1) K.Mayilsamy

Hereditary Principal Trustee and Administrator

2) M.Balasubramaniam

Hereditary Trustee and Secretary

3) M.Mathiyalagan

Hereditary Trustee and Superintendent

(Thumbivadi idol of Arulmighu Anooramman and Arulmighu Jeyankondamman temples)

4) T.Tamilselvan

5) T.Gopipriyan

6) K.Baskaran

7) N.Subramani

8) S.Boopathi

9) K.Sivaraman

(P5 to P9 are 1 to 3 lineage persons and members of the Vettuva Gounder community of Thumbivadi village)

10) S.Loganathan

11) P.Jeyaraj

12) M.Velusamy

13) T.Suresh

14) T.Manivel

15) S.Ramalingam

16) V.Muniyappan

(P10 to P16 are Hereditary Poosaris (Pandarangal) idol of Arulmighu Anooramman and Arulmighu Jeyankondamman temples, Thumbivadi)

... Petitioners/ Proposed parties

vs.

1) Arulmighu Anooramman Thumbivadi Village

2) Arulmighu Jayamkondamman, Sengalapuram

Rep. by its Chairman and Board of Trustees.

... Respondents / Plaintiffs

This petition coming before me for final hearing on 25.02.2026 in the presence of Thiru.M.Kanagaraj, advocate for the petitioner and Thiru K.Nagarajan advocate for the respondents and upon hearing the arguments on both sides and having stood over for consideration till this day, this Court passed the following

ORDER:-

The petitioners/3rd parties have filed this petition under Order 1 Rule 10(2) and Sec.151 of CPC seeking to implead the proposed parties as defendants in the suit.

Brief facts of the affidavit averments would run is as follows:-

2) The suit O.S.No.118/2018 has filed with regard to Arulmighu Anooramman and Arulmighu Jeyankondamman temples, Thumbivadi. The above said temples are hereditary belongs to Vettuva Gounder Community as Denominational temples. The petitioners and their ancestors have been serving as hereditary worshippers and Poosaris to the temple. Who filed the suit belong to Kongu Vellalar Gounder community, have not rights of any kind in respect of the suit idols. Despite that, by playing fraud and suppressing the real facts, the Trustees who have filed the suit have obtained an order and hence they are not entitled to file or continue the suit. It is Fraud on Department and Fraudulent Representation before the Court. The Hereditary Poosaris of plaintiff's temple were removed without holding any enquiry and such act affects civil rights of the petitioners.

3) Further the persons who have filed the suit have no right to represent the temple. The plaintiff's temple are under the management and control of the petitioners and their ancestors from the year 1860 to 2015. Further the 2nd plaintiff's Jayankondamman Temple is under the control and management of Thumbivadi Vettuva Gounder Community and it is their Family Deity and the Hereditary Poosaris (Pandarangal) are alone doing poojas for the above said temples. After 2015, their rights as poosaris were removed and the petitioners have gone out of the management by compulsion. About 2012, one Ganesan and Perumal who belongs to Kongu

Vellalar Community of Thiruppur, Erode and Palladam areas are approached the petitioners and said they would renovate the Thumbivadi Anoorammal temple since it was in a dilapidated state. They assured that the temple will be renovated and built, and that the petitioners will continue to conduct the administration, worship methods, and temple trustees as usual. Therefore the petitioners were admitted the deal.

4) On the contrary, after completion of works, on 30.03.2015, in the Kumbabhishekam Magazine stating that the temple belonged to the Payiran community. When petitioner's approached them and questioned about this, they created a problem and chased away the petitioners, claiming that the temple belonged to the Payiran family of the Kongu Vellalar community. Thereafter they have been taking care of the trustee of their ancestral deity Jayankondamman Temple, and performing pujas and worships. Further, the People who have no hereditary connection with the Anoorammal Temple have deceived the HR&CE and obtained the administrative plan and the appointment of trustees. The plaintiffs who are filed this Suit have no connection with the temple in any way. Further the suit conducted without the participation of the petitioners is not maintainable. Hence he prays to implead the proposed parties as defendants in the suit.

Brief averments of the Counter filed by the respondent is as follows:-

5) The respondents, who have filed this suit are recognized as Trustees by the HR&CE and necessary documents in that regard have already been filed. Elaborate cross examination was made by the contesting defendants at whose instance this application is filed about the validity or otherwise of the order. As the earlier relevant documents recognizing and appointing the persons who have filed the suit have been filed, that cannot be called in question before this Court. Even otherwise, it is not known how the petitioners are entitled to question or impeach the same inasmuch as they are not claiming any rival Trusteeship. If really the petitioners are aggrieved against the alleged removal, this is not a Forum where they can adjudicate

the claim and the remedy of the petitioners if at all will be elsewhere. Admittedly, after 2015, even according to the petitioners their rights as poosaris were removed and admittedly the petitioners have gone out of the management. If really these allegations are true, here also, the remedy is not before this Court, but elsewhere. Here, again, the order has been passed by the competent authority recognizing and appointing the persons who have filed the suit as Trustees that cannot be called in question before this Court. Under these circumstances, it is submitted that this petition will not lie.

6) Even otherwise, this suit is only for declaration that the suit properties belong to the plaintiff-idols and for injunction and recovery of possession. The same is contested by the contesting defendants that the plaintiffs have no title and the title is only with the defendants 1 and 2. A perusal of the affidavit filed by the petitioners in support of the petition, it is not revealed that the petitioners are claiming any proprietary right over the properties of the suit idols. Their only grievance is that they were hereditary poosaris and their rights were usurped without assigning any reason or cause. Under these circumstances, inasmuch as the petitioners have no proprietary rights of any kind over the suit properties, they are not necessary parties to the suit. The plaintiffs viz. the respondents being dominus litis cannot be compelled to make any third person as a party to the suit. Be that, a plaintiff or a defendant against his wish unless such person is able to prove that he is necessary party to the suit and without his presence, the suit cannot be proceeded nor can be decided effectually. In other words, no person can compel the plaintiff to allow such person to become a co-plaintiff or defendant in the suit. It is more so, when such person is unable to show as to how he is necessary or proper party to the suit and how without his presence the suit neither proceeded nor it can be decided or how his presence is necessary for effective decision.

7) As stated above, this suit is one for declaration of title and recovery of

possession and injunction. As stated above, the petitioners have not established that they have got any proprietary interest in the suit property. Their only grievance is that the persons, who filed the suit are not really Trustees, but they have procured orders from HR & CE Department recognizing and declaring them as Trustees. Under those circumstances, inasmuch as the petitioners do not either claim or have no proprietary right over the suit property, they are neither necessary nor proper party. In other words, inasmuch as the title of the plaintiffs is disputed and denied by the defendants 1 and 2 who claimed rival title among themselves, the presence of the petitioner is totally unnecessary in view of the fact that they do not claim any proprietary right over the suit property. It is significant to note that no allegations were made against the contesting defendants.

8) This suit proceedings have got check-up history. The suit has been filed in the year 2018. The written statement of the defendants was filed in the year 2019. The defendants 1 and 2 as petitioners filed an application in I.A.3/2020 to reject the plaint. By considered order dated 08.11.2021, this Court was pleased to dismiss the petition. As against the order of dismissal, the defendants 1 and 2 preferred revision before the Hon'ble Madurai Bench of Madras High Court in CRP (MD) No.206/2022 and the Hon'ble High Court was pleased to dismiss the petition Civil Revision Petition confirming the orders of this Hon'ble Court and incidentally directing this Court to dispose the suit within a period of nine months from the date of next hearing. Not content with that, the defendants 1 and 2 preferred Special Leave Petition (in short SLP) before the Hon'ble Supreme Court of India and the same was dismissed. It is only after this, the trial of this suit was commenced. The P.W.1 was examined on 13.09.2024 and he was cross-examined on 15.07.2025 to 18.07.2025. The evidence of the plaintiffs was closed. The defendant sought for time to adduce evidence and the matter was adjourned from 24.07.2025 to 28.07.2025. Without letting in any evidence, the defendants 1 and 2 filed an application in I.A.No.22/2025 to reopen the case and I.A.No.23/2025 to recall P.W.1 and both petitions were allowed.

9) Thereafter, the P.W.1 was recalled and cross-examined fully. Thereafter, D.W.1 was examined on 13.08.2025 and he was cross-examined. Thereafter, in all 68 witnesses were examined and cross examined. The defendants 1 and 2 filed an application for transfer of this suit to any other District Court before Madurai Bench of Madras High Court in Transfer CMP.(MD) No.19/2026 making allegation that the Presiding Officer has expressed his opinion on the subject matter and during the course of trial, he has been constantly interjecting and putting leading questions. By order dated 12.01.2026, the Transfer Application was dismissed with a direction directing this Honourable Court to afford reasonably opportunity to the petitioners to cross examine defence witnesses. The trial of this Court is not yet over. A perusal of the above facts and number of petitions filed by the defendants 1 and 2 would indicate that the defendants 1 and 2 at whose instance, the petitioners have filed this application have no intention to complete the trial and they want to drag on the matter by putting up spoke in the wheel even though this Court has been willing and ready to proceed with the case day by day. This application is therefore vexatious and intended to drag on the proceedings in spite of the orders of the Hon'ble High Court. Hence he prays to dismiss this petition.

10) This Court has considered the rival submissions on both sides.

11) On the side of the petitioner/propose parties no oral evidence were adduced and documents were marked. On the side of the respondents/plaintiffs no oral evidence were adduced and Ex.R1 is marked.

12) The point for consideration is

- 1) Whether the proposed parties are necessary parties to decide the case?
- 2) Whether there is conflict of interest?
- 3) Whether this petition has to be allowed or not?

ANSWERING TO THE POINTS No.1 to 3 :-

13) I have perused the records. The petitioners / proposed parties has filed this petition under Order 1 Rule 10(2) and Sec.151 of CPC seeking to implead the proposes parties as defendants in the suit.

14) According to the petitioners, the petitioners are the proposed parties and petitioners and their ancestors have been serving as hereditary worshippers and Poosasir to the plaintiff temple. Who filed the suit belong to Kongu Vellalar Gounder community, have not rights of any kind in respect of the suit idols. Despite that, by playing fraud and suppressing the real facts, the Trustees who have filed the suit have obtained an order and hence they are not entitled to file or continue the suit. It is Fraud on Department and Fraudulent Representation before the Court. The Hereditary Poosaris of plaintiff's temple were removed without holding any enquiry and such act affects civil rights of the petitioners. Further the persons who have filed the suit have no right to represent the temple. The plaintiff's temple are under the management and control of the petitioners and their ancestors from the year 1860 to 2015. Further the 2nd plaintiff's Jayankondamman Temple is under the control and management of Thumbivadi Vettuva Gounder Community and it is their Family Deity and the Hereditary Poosaris (Pandarangal) are alone doing poojas for the above said temples. After 2015, their rights as poosaris were removed and the petitioners have gone out of the management by compulsion.

15) Further they submit that about 2012, one Ganesan and Perumal who belongs to Kongu Vellalar Community of Thiruppur, Erode and Palladam areas are approached the petitioners and said they would renovated the Thumbivadi Anoorammal temple since it was in a dilapidated state. They assured that the temple will be renovated and built, and that the petitioners will continue to conduct the administration, worship methods, and temple trustees as usual. Therefore the petitioners were admitted the deal and after completion of works, on 30.03.2015, in the Kumbabhishekam Magazine stating that the temple belonged to the Payiran

community. When petitioner's approached them and questioned about this, they created a problem and chased away the petitioners, claiming that the temple belonged to the Payiran family of the Kongu Vellalar community. Thereafter they have been taking care of the trustee of their ancestral deity Jayankondamman Temple, and performing pujas and worships. Further, the People who have no hereditary connection with the Anoorammal Temple have deceived the HR&CE and obtained the administrative plan and the appointment of trustees. The plaintiffs who are filed this Suit have no connection with the temple in any way. Further the suit conducted without the participation of the petitioners is not maintainable. Hence they filed this petition.

16) On the other hand, the respondent contended that, who have filed this suit are recognized as Trustees by the HR&CE and necessary documents in that regard have already been filed. Admittedly, after 2015, even according to the petitioners their rights as poosaris were removed and admittedly the petitioners have gone out of the management. If really these allegations are true, here also, the remedy is not before this Court, but elsewhere. This suit is only for declaration that the suit properties belong to the plaintiff-idols and for injunction and recovery of possession. The same is contested by the contesting defendants that the plaintiffs have no title and the title is only with the defendants 1 and 2. A perusal of the affidavit filed by the petitioners in support of the petition, it is not revealed that the petitioners are claiming any proprietary right over the properties of the suit idols. Their only grievance is that they were hereditary poosaris and their rights were usurped without assigning any reason or cause. Under these circumstances, inasmuch as the petitioners have no proprietary rights of any kind over the suit properties, they are not necessary parties to the suit.

17) Further they contended that the suit has been filed in the year 2018. The written statement of the defendants was filed in the year 2019. The defendants 1 and

2 as petitioners filed an application in I.A.3/2020 to reget the plant. By considered order dated 08.11.2021, this Court was pleased to dismiss the petition. As against the order of dismissal, the detendants 1 and 2 preferred revision before the Hon'ble Madurai Bench of Madras High Court in CRP (MD) No.206/2022 and the Hon'ble High Court was pleased to dismiss the petition Civil Revision Petition confirming the orders of this Court and incidentally directing this Court to dispose the suit within a period of nine months from the date of next hearing. Not content with that, the defendants 1 and 2 preferred Special Leave Petition (in short SLP) before the Hon'ble Supreme Court of India and the same was dismissed. It is only after this, the trial of this suit was commenced. The P.W.1 was examined on 13.09.2024 and he was cross-examined on 15.07.2025 to 18.07.2025. The evidence of the plaintiffs was closed. The defendant sought for time to adduce evidence and the matter was adjourned from 24.07.2025 to 28.07.2025. Without letting in any evidence, the defendants 1 and 2 filed an application in I.A.No.22/2025 to reopen the case and I.A.No.23/2025 to recall P.W.1 and both petitions were allowed.

18) Further the defendants 1 and 2 filed an application for transfer of this suit to any other District Court before Madurai Bench of Madras High Court in Transfer CMP.(MD) No.19/2026 making allegation that the Presiding Officer has expressed his opinion on the subject matter and during the course of trial, he has been constantly interjecting and putting leading questions. By order dated 12.01.2026, the Transfer Application was dismissed with a direction directing this Court to afford reasonably opportunity to the petitioners to cross examine defence witnesses. The trial of this Court is not yet over. A perusal of the above facts and number of petitions filed by the defendants 1 and 2 would indicate that the defendants 1 and 2 at whose instance, the petitioners have filed this application have no intention to complete the trial and they want to drag on the matter by putting up spoke in the wheel even though this Court has been willing and ready to proceed with the case day by day. Hence they prays to dismiss this petition.

19) The respondents/plaintiffs have filed the suit for declaration that the suit properties belong to the plaintiff idols and consequently for permanent injunction restraining the defendants from interfering with the possession and enjoyment of the plaintiff in respect of the suit properties except the portion where temporary structures are built in any manner and for recovery of possession of the portions of the suit properties after removing the temporary structures put up by them and for costs. Further, the petitioners are the proposed parties. They have filed this petition seeking to implead the petitioners as defendants in the main suit.

20) On perusal of the case records, the learned counsel Thiru M.Kanagaraj has filed vakalath for the 20th defendant on 04.02.2026. He has also appeared for the proposed parties and filed this present petition on 23.02.2026. Further the 20th defendant has filed her written statement on 16.02.2026. Thereby the 20th defendants have denied the rights of the plaintiff's temples. While so the counsel for the proposed party having contesting the case against the plaintiffs temples. But now the counsel for the 20th defendant has come forward with this application to protect the interest of the plaintiffs temple. There is a conflict of interest between the plaintiffs and defendants. While so how the counsel for the 20th defendant and the proposed parties could effectively adjudicate the dispute.

21) The acts of the counsel for the 20th defendant and proposed parties could definitely falls under Sec.35 of Advocates Act i.e.misconduct by an advocates. While so, the effective adjudications by the counsel for the 20th defendant and the proposed parties cannot be a proper and justifiable one.

22) The suit has filed on 2018. But there are 106 defendants who have alleged to have purchased the temples property. Few of the defendants have also put up constructions in the alleged temples property in the year 2018 itself and the suit was filed on 20.12.2018.

23) Further on careful consideration of the affidavit, the petitioners have stated that the petitioners and their ancestors have been serving as hereditary worshippers and Poosaris to the temple. But they have not produced any documentary evidence to prove their claim. Further, they claim that the temple is belongs to particular community and the present plaintiffs belongs to other community. Therefore they are not entitled to conduct the case. Further, the plaintiffs who are conducting the case for the temples as a trustees. Idols of Temples being minor. They are interest are well being protected by the present plaintiffs temples. Further not only before this court to protect interest on before the Hon'ble Supreme Court and High Court also. Therefore, the contention raised by the petitioner is not acceptable one.

24) Further the petitioners are not stated how they came to know about this case. The Ex.R1 goes to shows that the HR& CE have appointed the plaintiffs as trustee and also a given right to filed the suit for the plaintiff's temple. The authorities have framed the Scheme under Sec.64 of the HR and CE Act. Which was not disputed by the proposed parties/petitioners herein. Till today the Ex.R1 the scheme prepared under Sec.64 of the HR and CE act is not challenged. Further, the proposed parties have no locus standi to file this application. There is also 8 years the order has been passed and they are not interested to protect the plaintiffs temples right.

25) The interest of the temple being minor can be protected by any person. The only thing has to be seen that whether the interest of the temple property is protected by the plaintiffs temples. The case in hand the plaintiffs have protects the interest of the plaintiffs temple. Further in CR.P.(MD)No.206 of 2022 the Hon'ble Madurai Bench of Madras High Court on 28.10.2024 directed to dispose this suit within a period of nine months. The same was received by this Court on 19.03.2025. Furthermore, in SLP.No.59777/2024 which was filed against the order passed in 209/2022 by the Hon'ble High Court of Judicature at Madurai. The same has been

dismissed by the Hon'ble Supreme Court of India.

26) Further regard to the age of the suit, the Hon'ble Supreme Court has order the Trial Court to dispose the same expeditiously. In this suit on the side of the plaintiffs P.W.1 was examined and Ex.A1 to Ex.A12 were marked. On the other hand, on the side of the Defendants D.W.1 to D.W.66 witnesses were adduced and Ex.B1 to Ex.B340 documents were marked. Further the time given by the Hon'ble High Court is expired. Therefore this Court was seeking extension time to the Hon'ble High Court to dispose the case and having regard to the age of the suit and the direction of the Hon'ble Supreme Court of India and High Court of Madras this Court has conduct the suit in day to day basis. From the above said facts and circumstances, this Court is of view that the petitioners have filed this application have no intention to complete the trial and they want to drag on the matter by putting up spoke in the wheel even though this Court has been willing and ready to proceed with the case day by day. Therefore this Court is inclined that there is no merit in this petition. Hence, this petition is liable to be dismissed and the points 1 to 3 are answered accordingly.

In the result, this petition is dismissed.

Dictated to the steno typist, typed by him directly on computer corrected and pronounced by me in open Court on this the 26th day of February 2026.

**DISTRICT AND SESSIONS JUDGE,
KARUR.**

LIST OF WITNESSES AND EXHIBITS:-

PETITIONER SIDE WITNESS AND EXHIBITS:-NIL

RESPONDENTS SIDE WITNESS:- NIL

RESPONDENTS SIDE EXHIBITS:-

Ex.R1 22.01.2018 Proceedings of Deputy Commissioner HR&CE

**DISTRICT AND SESSIONS JUDGE,
KARUR.**