

IN THE COURT OF PRINCIPAL DISTRICT MUNSIF, CHEYYAR

THIRUVANNAMALAI DISTRICT

Present :- Tmt. K. Naleeni., M.L.,
Principal District Munsif, Cheyyar,
Thiruvannamalai.

Wednesday, the 11th day of March, 2026

I.A . 2/2025 in O.S.No. 96/2024

Krishnan

...Petitioner/Plaintiff

V.

1. Ravi
2. R. Pandian
3. The District Collector, Tiruvannamalai.
4. The Tahsildar, Vembakkam.

...Respondent/Defendant

... 2-4 Proposed Respondents/Defendants

This petition is coming before me on 26.02.2026 for final hearing in the presence of Mr. S. Karthikeyan, Learned Advocate for the Petitioner/plaintiff and Mr. M.S. Sankarapandian, Learned Advocate for the 1st Respondent and Mr. G. Gunasekaran, Learned Advocate for the proposed 2nd Respondent and Mr. A. Chan Basha, Learned Government Pleader for the proposed 3rd and 4th Respondents and upon hearing both sides and after careful perusal of the entire case records and having stood over for consideration till this day, this Court delivered the following:

ORDER

This Petition has been filed by the Petitioner under Order I Rule 10 (2) of Code of Civil Procedure, 1908 to implead the proposed Respondents 2 to 4 as Defendants in the above suit in OS 96 of 2024.

2. BRIEF AVERMENTS OF THE PETITION AS FOLLOWS:

- i. The petitioner states that he is the petitioner herein and the plaintiff in the above suit. He has filed the suit against the 1st respondent seeking permanent injunction restraining the 1st defendant or his men or agents from preventing the plaintiff from conducting the pooja and management of the suit temple.
- ii. The petitioner states that the respondent by using his power and influence has attempted to grab the key through the Tahsildar and Village Administrative Officer and has filed a suit against him. The petitioner states that despite being so, after the priest of the temple (Iyer) performed *Abhishekam* in the temple, the 1st respondent, using his influence through his relative namely Pandian, intentionally disturbed and disrupted and performed *Abhishekam* again. Therefore, the petitioner lodged a complaint against the said Pandian at Dusi Police Station.
- iii. The petitioner further contends that the police authorities, instead of taking appropriate action against the said Pandian, received a complaint against the petitioner and others and stated that since both parties were performing pooja and worship in the temple, the issue was creating a problem and treated the matter as a law and order issue instead of a private dispute and referred the matter to the Tahsildar, who convened a peace committee meeting on 18.06.2025.
- iv. The petitioner further states that in the said meeting, the said Pandian, instigated by the said Ravi deliberately raised issues and created unnecessary problems. The petitioner clearly explained that the administration of the temple had been carried out only by him and that the petitioner's paternal uncle had originally established the temple and had also established trust for the same. The petitioner further produced documents to show that the temple administration is presently being carried out through a trust.
- v. The petitioner states that despite his contentions, the Tahsildar did not take any action in the matter and hence the petitioner issued a legal notice on 19.06.2025. Even thereafter, the Tahsildar, Vembakkam, has been acting in a unilateral manner and with the specific intention of seizing the temple key from the petitioner, the Tahsildar has passed an order dated 25.07.2025 directing that the temple key be handed over to him.

- vi. The petitioner states that while the issue regarding the administration of the temple is already pending before this Court, the Tahsildar has been acting one-sidedly. The Tahsildar is acting in such a manner that he is attempting to seize the key from the petitioner and hand it over to the respondent. As the above actions of the Tahsildar are contrary to law, it is necessary and just that the said authorities be impleaded as parties in the above suit. Hence, the present petition.

3. BRIEF AVERMENTS OF THE COUNTER OF 1st RESPONDENT AS FOLLOWS:

- i. The 1st Respondent denies all the allegations in the petition. The Respondent states that the present petition to implead the 2 to 4 respondents as defendants in the suit is not maintainable and that the petition has to be dismissed. The Respondent denies all the allegations of the petitioner. The respondent states that he has already strongly denied the right of the petitioner to conduct poojas and in the management and administration of the temple in the written statement itself.
- ii. The respondent further contends that initially, the temple was built by Subramani and in order to perform poojas, the said subramani along with the villagers of the Nemili panchayat appointed one Kalipillai, who performed poojas. As Kalipillai had no issues and as he was performing poojas at temple, he executed a settlement deed in favour of the temple and that there is no relation between Kalipillai and the administration and management of the temple. After the death of Kalipillai, the villages had appointed an Iyer from the nearby temple to perform the poojas. The said Iyer conducted only poojas and during other times, the petitioner was appointed to show Aarthi. The petitioner had no right to conduct poojas. But the petitioner has filed the suit in a manner that he is administering and managing the temple and that the temple belongs to him. As the dispute has arisen between the two parties, the key was handed over to the Village Administrative officer, from whom the Iyer receives the key and performs pooja till date.

iii. The respondent contends that the temple is a public temple and that no one can claim independent right over the temple. But the petitioner has filed the suit as if the temple belongs to him and that only he has right to administer and manage the temple. As the dispute has arisen with regard to the conduct of poojas and administration of temple, the Tahsildar conducted a peace meeting in which it was decided that the key to be handed over to the Village Administrative Officer and that the Iyer shall perform poojas by receiving the key from the VAO and that either the petitioner or the respondent shall not object the same. The respondent states that the petitioner has conceded the above facts in his petition and has filed the same and hence, the said petition is not maintainable and liable to be dismissed.

3A. BRIEF AVERMENTS OF THE COUNTER OF 2nd RESPONDENT AS FOLLOWS:

- i. The 2nd Respondent states that initially the temple was built by Subramani and that one Kali pillai was performing poojas after the temple was constructed. As there were no legal issues to Kali pillai, he executed a settlement deed in favour of the petitioner and that the said settlement deed dated 24.08.1988, is only for the land belonged to him and not with regard to the administration and management of the temple. The petitioner has no right to form a trust and that there is no relation between the temple and the trust created by him.
- ii. The respondent further states that as he being the administrator and manager of the temple condemned the said trust and actions of the petitioner, the temple key was taken over by the revenue authorities. As the petitioner willfully created problems with the respondent, he has filed a complaint before the Dusi Police Station on 06.05.2025 and that they referred the same to the Tahsildar. The Tahsildar after conducting the peace meeting, handed over the key to the Village Administrative Officer, until the dispute has been permanently resolved. Hence, the key was handed over to

the VAO of the Nemili Village on 18.06.2025 and that till date the poojas are being conducted only after obtaining the key from the VAO.

iii. The respondent states that the respondent never obstructed the petitioner in conducting the poojas at the temple and that the petitioner is only claiming the ownership of the temple against the averments in the Settlement deed. He further states that the suit filed by the petitioner is not maintainable and is liable to be dismissed.

iv. Learned counsel for 3 and 4 endorsed as no counter in allowing this petition.

4. POINT FOR CONSIDERATION:

The sole point to be considered by this Court is whether the proposed respondents 2 to 4 are liable to be impleaded as defendants 2 to 4 in OS. 96 of 2024?

5. ORAL AND DOCUMENTARY EVIDENCE:

On the side of the Petitioner, Ex. P1 namely the Original Summons/notice issued to the Petitioner dated 11.06.2025, Ex. P2 namely Office copy of Legal notice issued to the 3rd and 4th respondents and Ex. P3 Original notice issued by the 4th Respondent to the Petitioner dated 25.07.2025 have been marked. No oral or documentary evidence was adduced on the Respondent side.

6. DETERMINATION:

Heard both sides and carefully perused the records.

i) This petition has been filed seeking to implead the proposed persons as 2nd to 4th defendants in the suit. The main case of the petitioner is that he has filed the present suit against the 1st respondent seeking the relief of permanent injunction restraining the 1st respondent or his men or agents from interfering with the conduct of poojas and the management of the suit

temple. According to the petitioner, the 1st respondent has been attempting to take control of the temple by using his influence through the revenue authorities, particularly the Tahsildar and the Village Administrative Officer. According to the petitioner, despite placing the relevant documents showing that the temple administration was being carried out by him and that a trust had been created for the management of the temple, the Tahsildar did not take appropriate action. The petitioner states that he had also issued a legal notice dated 19.06.2025. However, subsequently the Tahsildar, Vembakkam, passed an order dated 25.07.2025 directing that the temple key be handed over to him, allegedly with the intention of taking possession of the same from the petitioner and handing it over to the respondent. Hence, the petitioner contends that as the said actions of the revenue authorities are directly connected with the subject matter of the suit, the proposed parties are necessary and proper parties to the suit and therefore they are to be impleaded.

- ii) On the other hand, the 1st respondent has filed a counter affidavit denying the allegations made in the petition and contending that the petition is not maintainable. According to the 1st respondent, the temple is a public temple and no individual can claim exclusive right over its administration. It is further contended that as disputes arose between the parties regarding the conduct of poojas and management of the temple, the Tahsildar conducted a peace meeting wherein it was decided that the key of the temple should be kept with the Village Administrative Officer and that the temple priest would receive the key from the Village Administrative Officer for performing poojas. Hence, according to the respondent, the petition filed by the petitioner is liable to be dismissed.
- iii) Further, the 2nd respondent has also filed a counter stating that the settlement deed relied upon by the petitioner pertains only to the land belonging to Kalipillai and does not confer any right upon the petitioner with regard to the administration or management of the temple. It is further contended that

as disputes arose between the parties, the revenue authorities took custody of the key and handed it over to the Village Administrative Officer until the dispute is resolved.

iv) According to Order I Rule 10 (2) of the Code of Civil Procedure, 1908,

“(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.”

v) The scope of Order I Rule 10 (2) have been dealt clearly by the Hon'ble Supreme Court in the **Mumbai International Airport (P) Ltd. v. Regency Convention Centre & Hotels (P) Ltd., reported in (2010) 7 SCC 417**. It could be seen that although Plaintiff is the dominus litus in a case, the Courts have discretion at any stage to strike out or add parties to a suit depending on whether their impleadment is **deemed necessary or proper**. Further, a “necessary party” is a person who ought to have been joined as a party and in whose absence no effective decree could be passed at all by the court. If a “necessary party” is not impleaded, the suit itself is liable to be dismissed. A **“proper party”** is a party who, though not a necessary party, is a person whose presence would enable the court to **completely, effectively and adequately adjudicate upon all matters in dispute in the suit, though he need not be a person in favour of or against whom the decree is to be made**.

vi) In the present case of hand, the case of the petitioner is that he has filed the present suit against the 1st respondent seeking the relief of permanent injunction restraining the 1st respondent or his men or agents from interfering with the conduct of poojas and the management of the suit temple. This suit is in the stage of trial. The petition has now been filed by the petitioner seeking to implead the proposed 2nd Respondent and revenue authorities as necessary and proper parties to the suit. The petitioner has

marked Exhibits P1, P2 and P3. Exhibit P1 is the Original Summons/notice issued to the Petitioner dated 11.06.2025 by the Tahsildar calling for the peace meeting. Ex. P2 is the Office copy of Legal notice issued to the 3rd and 4th respondents and Ex. P3 is the Original notice issued by the 4th Respondent to the Petitioner dated 25.07.2025 directing the petitioner to hand over the key to the VAO of the Nemili Village. From the perusal of the materials placed before this Court, it could be seen that the proposed persons to be impleaded have intervened in the matter which is related to the administration and management of the temple which the petitioner has filed the suit against the 1st Respondent.

- vii) The impleading of the above persons in the suit would only enable this Court to effectively adjudicate the issues involved in the present suit and further, any outcome in the present case, would affect the interest /right of the proposed persons. Hence, the impleadment of such proposed persons would be proper in order for a complete and effective decree in the suit.
- viii) Hence, in the light of the aforesaid discussions and in the interest of justice and also to avoid multiplicity of proceedings, this Court finds that the proposed defendants are proper parties to the present suit and that their presence is very much necessary for complete, effective and final adjudication of the controversies in the present suit and therefore, this Court is inclined to allow this petition. Hence, this Court is of the opinion that the Respondents 2 to 4 be impleaded as Defendants 2 to 4 in the original suit.

7. **RESULT :**

In result, this petition is allowed. No order as to costs.

Directly typed by me in Laptop, corrected and pronounced by me in open court, on this the 11th day of March, 2026.

Principal District Munsif,
Cheyyar.

8. List of Witnesses:

On the side of the Petitioner : NIL
On the side of the Respondent : NIL

9. List of Documents :

On the side of the Petitioner : Ex. P1 namely the Original Summons/notice issued to the Petitioner dated 11.06.2025, Ex. P2 namely Office copy of Legal notice issued to the 3rd and 4th respondents and Ex. P3 Original notice issued by the 4th Respondent to the Petitioner dated 25.07.2025 have been marked.
On the side of the Respondent : NIL

Principal District Munsif,
Cheyyar.