

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2015

CORAM

THE HONOURABLE MS.JUSTICE R.MALA

CRP (PD).No.4241 of 2015
and M.P.No.1 of 2015

M.K.Ramanuja Thathachariyar

.. Petitioner

Vs

1.Sri S.Veeraraghava Thathachariyar
2.N.R.Seshadri

.. Respondents

Prayer:Civil Revision Petition filed under Article 227 of the Constitution of India, against the order dated 28.09.2015 made in I.A.No.324 of 2015 in O.S.No.26 of 2012 on the file of the Subordinate Court, Cheyyar, Thiruvannamalai District.

For Petitioner	: Mr.S.Parthasarathy Senior Counsel for Mr.S.Sivashanmugam
For Respondents	: Mr.Sivavarthanan

ORDER

The Civil Revision Petition is filed against the order dated 28.09.2015 made in I.A.No.324 of 2015 in O.S.No.26 of 2012 on the file of the Subordinate Court, Cheyyar, Thiruvannamalai District.

2.The first respondent as a plaintiff filed a suit in O.S.No.26 of 2012 for permanent injunction restraining the defendants from shifting the idols of Sri Lakshmi Narayana Perumal with Goddess Sridevi and Boodevi and that of Sri Sinivasa Perumal from the sanctum Sanatorium of the said Temple at Navalpakkam village, Vandavasi Taluk and detailed in the schedule of property and also restraining the defendants from consecrating any or new idol in the said temple. The petitioner/first defendant filed a written statement and contested the suit. During the pendency of the suit, the first defendant filed an application in I.A.No.324 of 2015 for rejection of the plaint stating that the suit is barred by law and the suit is not maintainable as per Section 108 of H.R.& C.E. Act. The Trial Court after hearing both sides has dismissed the said application. Against which, the present Civil Revision Petition has been filed by the petitioner/first defendant.

3.Heard the learned counsel for the petitioner and the learned counsel for the respondents.

4.Learned counsel for the petitioner during his argument has submitted that the temple is a denominational temple and prayed for setting aside the order passed by the Trial Court.

5. Resisting the same, the learned counsel for the respondents would submit that since the temple is a denominational temple, H.R. & C.E. Department has no role to play and so, the H.R. & C.E. Act is not application. Hence, the suit is not barred by any law. That factum was rightly considered by the Trial Court. Hence, he prayed for dismissal of the revision petition.

6. Considered the rival submissions made on both sides and perused the typed set of papers.

7. The first respondent as a plaintiff filed a suit for permanent injunction restraining the defendants from shifting the idols of Sri Lakshmi Narayana Perumal with Goddess Sridevi and Boodevi and that of Sri Sinivasa Perumal from the sanctum Sanatorium of the said Temple at Navalpakkam village, Vandavasi Taluk and detailed in the schedule of property and also restraining the defendants from consecrating any or new idol in the said temple. It is admitted by both sides that Samprokshanam has been performed during the pendency of the suit after the peace committee meeting has been convened.

8. Now the point to be decided is whether the suit is barred by any law? Admittedly the temple is a denominational temple. At that point of time, the learned counsel for the petitioner has taken me to page No.19 of the typed set

of papers, wherein a communication has been sent by the H.R. & C.E. Department to the Commissioner, H.R. & C. E Department in which the details of temple properties, registers, idols and value of the ornaments were given and submits that only H.R. & C.E Department has control over the temple. Merely because a communication between H.R. & C.E. Department will not take away the status of denominational temple. Once it is admitted that it is a denominational temple, H.R. & C.E Department has no right over the property and if there is any maladministration then only they will interfere. Further, since it is a denominational temple, the suit is not barred under Section 108 of H.R. & C.E. Act. So, I do not find any reason to interfere with the finding of the Trial Court because the Trial Court has taken much effort to dispose the case relating to the relief sought for by the petitioner. Hence, the impugned order passed by the Trial Court is hereby confirmed and the Civil Revision Petition is hereby dismissed.

9.In the result, the Civil Revision Petition is dismissed. No costs.
Consequently, connected miscellaneous petition is closed.

10.12.2015

Index: Yes/No
Internet: Yes/No
cse

R.MALA. J.,

cse

To

The Subordinate Court, Cheyyar,
Thiruvannamalai District.

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