

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

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CIVIL REVISION PETITION No. 4675 OF 2015

ORDER:

This revision has been preferred by the plaintiff, aggrieved by the order passed by the I Additional District Judge, Ranga Reddy District at L.B. Nagar in C.M.A.No.86 of 2014 dismissing it by an order dated 22.07.2015. The said C.M.A.No.86 of 2014 in turn was preferred against the orders passed by the learned Principal Senior Civil Judge's Court at Ranga Reddy in I.A.No.1821 of 2013 in O.S.No.2166 of 2013.

Heard Sri K. Ratnam, learned counsel for the petitioner and Smt.M.Venkateshwari, learned counsel for the respondent/ defendant.

The plaintiff is a society, which is registered bearing Registration No.203/2010. It prayed for a perpetual injunction restraining the defendants and its agents and henchmen from interfering with the activities of the plaintiff's society in any manner whatsoever. This vague relief is sought for without in any manner specifying as to what kind of activities are sought to be interfered with by the defendants in the suit, particularly, when the first defendant is shown as NCL, North Avenue Owners Welfare Association.

Pending the suit, an interlocutory application bearing I.A.No.1821 of 2013 was moved seeking ad interim injunction. A detailed counter affidavit is filed in I.A.No.1821 of 2013 by the third respondent therein. It is pointed out that the first defendant in the suit is formed to take care of the welfare of the members of the said society who are the plot owners/house owners of the colony. 'Sai Baba Mandiram' was got constructed, it appears by raising contributions from the members sometime during the year 2003. At that stage, the General Secretary of the plaintiff/society was residing in that colony and hence he was associated with the committee formed for overseeing the construction of the 'Sai Baba Mandiram'. Since the said individual by name Sri G. Satyanarayana Raju is not a member of the first defendant association and he could not also become a member because he could not own any plot or house in the colony, he has been discontinued from overseeing the construction activity of the temple. That appears to have ignited into formation of the petitioner/plaintiff society.

In the absence of any material available on record, that it is the petitioner's/plaintiff's society which has got constructed the 'Sai Baba Mandiram', it cannot claim exclusive right of management of such an institution. In fact, it could not have claimed any such relief particularly when the temple itself was got constructed in the year 2003, whereas, the plaintiff/petitioner society was formed much later thereto during the year 2010. In the absence of any enforceable legal right or even semblance of right to manage exclusively the affairs of the temple, the grant of an injunction to restrain a welfare association or its members, who are the defendants in the suit would not arise. I, therefore, do not find any infirmity in the orders passed by both the Courts below in declining to grant an injunction in favour of the petitioner/plaintiff society to manage exclusively the affairs of the temple. May be, that the defendants may not prevent the individual members of the plaintiff/petitioner society, from offering their prayers at the temple, inasmuch as, any member of the general public, when is not prohibited from entering into the temple for offering prayer or worship, the members of the plaintiff/petitioner society also may not be prevented from entering the temple and offering prayers, but that does not necessarily clothe any such member or for that matter the petitioner/plaintiff society to make a claim for participation in the management of the affairs of the temple. Hence, I have no hesitation to dismiss this revision and accordingly, it is dismissed

Consequently, miscellaneous applications pending if any, shall also stand dismissed.

JUSTICE NOOTY RAMAMOHANA RAO

13.11.2015

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