



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2017

CORAM :

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

C.R.P. (MD) No. 1940 of 2014 (NPD)

and

M.P. (MD) No. 1 of 2014

S. Ramasamy

...Petitioner / Petitioner /
Respondent/ Defendant

Vs.

Sundarapandia Vinayagar Deity,
Thoothukudi
through its Akthar Gomathi (Died)

1) G. Murugan

2) G. Subbarayan

3) G. Saravanan

4) G. Malmurugan

5) G. Nirmala

6) The Commissioner

Hindu Religious & Charitable Endowment Board,
Chennai.

7) The Executive Officer

Arulmighu Sankararameswara Temple,
Tuticorin.

...Respondents

R6 & R7 are *suo-motu* impleaded

vide order dated 15.09.2014 made in CRP (MD) No. 1940/2014 and
MP (MD) 1/2014

PRAYER: Petition filed under Section 115 of CPC against the order of the Principal District Munsif, Tuticorin in reversing unnumbered E.A.SR.No.4204 of 2014 filed on 01.04.2014 in EP.No.124 of 2012 in OS.No.264 of 2005 on the following among other.

For Petitioner : Mr. R. Vijayakumar

For Respondent 2 : Mr. R. Nandakumar

For Respondents 6 & 7 : Mr. Muthugeethaian

ORDER

This revision petition is directed against the return of EA filed under Section 47 of CPC in E.P.No.124 of 2012 on the ground that the subject temple was taken over by the Hindu Religious and Charitable Endowment Department vide order dated 28.02.2011 and therefore, the decree holders who claim to be the hereditary trustees of Sundarapandia Vinayagar Kovil, Tuticorin are ceased to be the persons managing the affairs of the subject temple.



2.It is contended that after the appointment of Takkar (Fit person) to the temple by the Hindu Religious & Charitable Endowment Department, nothing survives in the decree obtained by the plaintiff for execution. It is also contended that the plaintiff has no *locus standi* to maintain the execution petition and the identity of the property also not ascertained.

3.The petition which was filed under Section 47 of CPC was returned by the Court below with the following endorsement,

"The petitioner disputed the measurements and boundaries as per Section 47 there is no way attracted in this points. Further at the time of execution only whether the decree can be executed or not regarding the measurements and the boundaries is concerned. Hence at this stage, this petition is not maintainable. Hence returned."

4.Now it is reported that the order of appointing Fit person to the subject temple has been revoked subsequently and the administration of the temple is again vested with hereditary trustees. Therefore, the grounds raised either in the revision petition or in the application filed under Section 47 of CPC do not survive, due to change in the vital factual scenario.

5.This Court is of the opinion that nothing survives in the revision petition for this Court to consider. Hence, this revision petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

- 1) The Principal District Munsif,
Tuticorin.
- 2) The Commissioner
Hindu Religious & Charitable Endowment Board,
Chennai.

+1 CC to M/s.R.VIJAYAKUMAR, Advocate, SR No. 62481.

GK

PSM/JC/SAR2/06.07.2017/2P/4C

CRP (MD) No.1940 of 2014 (NPD)

and

MP (MD) No.1 of 2014

28.06.2017