



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2017
(Reserved on 24.04.2017)

WEB COPY

CORAM :

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CRP(PD) (MD) No.610 of 2017
and
CMP(MD) Nos.2722 and 3824 of 2017

1) Kumarasamy
2) Ganesan

... Petitioners

vs.

1) The State of Tamilnadu represented by
The District Collector,
Pudukottai,
Pudukottai District.
2) The Tahsildar,
Aranthangi, Aranthangi Taluk,
Pudukottai District.
3) Indumathi
4) Karunanithi
5) Suresh Kumar
6) Saravanamuthu
7) Kesavan
8) Ramanathan
9) Mahalingam

... Respondents

Petition filed under Article 227 of the Constitution of India, against the order dated 28.04.2016 in I.A.No.264 of 2016 in O.S.No.33 of 2015 on the file of the District Munsif Court, Aranthangi.

For Petitioners : Mr.S.Sivathilagar for
Mr.B.Muruganandam
For R3 to R9 : Mr.N.Balakrishnan

ORDER

This revision petition is directed against the dismissal of the interlocutory application filed before the Trial Court wherein, the request of the revision petitioners who are the plaintiffs in the suit for permanent injunction claiming exclusive right in the management of the temple and also for declaration, has sought for a specific order of status-quo regarding the construction of the temple by the respondents herein till the disposal of the suit.



2.The Trial Court after considering the facts of the case has held that granting status-quo and preventing the completion of the temple construction may lead to law and order issue and to prevail peace, it is justifiable not to entertain the application seeking status-quo.

3.The case of the revision petitioners is that their forefathers donated the land and money for construction of Pillaiyar Temple in the year 1935. While so, without consulting them, the respondents demolished the old temple and putting up construction in the disputed land. Since the suit is filed for declaration of title and protection of enjoyment of the second item of the suit schedule property along with the relief of exclusive management of the temple in the first schedule property, any construction put up in the suit land will defeat the interest of the plaintiffs and go adverse to their case.

4.In support of his submission, the learned counsel for the petitioners referring to the outcome of the peace committee meeting held by the Tahsildar, Aranthangi, dated 02.08.2016 submitted that the respondents herein on their own unilaterally without taking the plaintiffs into confidence are proceeding with the construction of the temple when the title and the management of the temple itself is the subject matter of the suit.

5.Per contra, the learned counsel for the respondents submitted that admittedly, the land and temple been put up jointly by the family members of the plaintiffs as well as the defendants. While so, the plaintiffs cannot claim exclusive right over the management of the temple. The defendants are ready to receive the contribution of the plaintiffs for putting up the construction of Pillaiyar Temple, but on no account, the construction of the temple should be stopped.

6.Admittedly, the temple which was constructed in the year 1937 has been demolished and the villagers and the plaintiffs/revision petitioners have collected money and started constructing the temple. Since the revision petitioners have taken the risk of constructing the temple pending suit, as held by the Trial Court instead of preventing them from proceeding further, it is suffice to point out that any construction put up in the disputed place shall be subject to the outcome of the suit and at no point of time, the respondents herein shall stake claim over the construction solely on the ground that they have contributed money to put up construction. In case, if the plaintiffs succeed in the suit, the respondents shall forego any right whatsoever over the construction which they are carrying on in the dispute site. Further, the Trial Court is directed to dispose of the suit at the earliest so as to give quietus to the entire issue.



With the above direction, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

/True Copy/

Sd/-
Assistant Registrar(CSI)

Sub-Assistant Registrar

To

The District Munsif ,
Aranthangi.

+One cc to Mr.N.Balakrishnan, Advocate, SR.No.54894

+1 cc to Mr.B.Muruganandam, Advocate, SR.No.54593

nbi

RL/4C/3P/MR/5.5.2017

Order made in
CRP(PD) (MD) No.610 of 2017

27.04.2017