



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 04.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

CRP (MD) No.1795 of 2019

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1. M.Selvam
2. M.Villayutham
3. R.Murugan
4. T.Harirahasudan
5. K.Muthuvenkatachalam ... Petitioners/Plaintiffs
(Plaintiffs for themselves and as
representatives of Velar denomination
Velar denomination hailing from their
family)

versus

The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Ellis Nagar, Madurai

... Respondent/Defendant

Revision Petition filed under Article 227 of the Constitution of India, seeking a direction to the District Munsif Court, Thirumangalam, to number and dispose of the suit in unnumbered O.S. In A.No.5276 of 2019.

For Petitioners : Mr.R.G.Shankar Ganesh

ORDER

This Civil Revision Petition has been filed seeking a direction to the District Munsif Court, Thirumangalam, to number and dispose of the suit in unnumbered suit filed in A.No.5276 of 2019.

2. According to the revision petitioners, they filed a suit before the District Munsif, Thirumangalam, to declare that Arulmigu Villayutham Udaya Ayyanar Temple (kochadai Muthiah Temple), Madurai District, Veedhi Udaya Ayyanar Temple, Virattipathu, Madurai, Kanialaswamy Temple at Virattipathu, Madurai, are denominational temples administered and managed by the "Velar" Denomination hailing from the plaintiffs' family members and to grant an order of permanent injunction restraining the defendant from interfering with the administration of management of the above temples. But, the Court below has refused to entertain the present suit and returned the plaint stating that under Section 6 of the Tamil Nadu Hindu Religious and Charitable



Endowment Act, only the Sub Court is having jurisdiction. Aggrieved over the same, the present Civil Revision Petition has been filed.

3. The learned counsel appearing for the revision petitioners submits that since the claim sought for by the revision petitioners in the suit is only to declare the suit temples as denomination temples. Therefore, the said Act will not be applicable and hence, the filing of the present suit before the Sub Court does not arise. Therefore, the return of plaint by the Court below is unsustainable in law. In support of his contention, the learned counsel relied upon a Judgment of this Court rendered in the case of **the Commissioner, HR&CE Department vs. V.Perumal Mudaliar and others, (reported in 2001 (3) MLJ 287)**, wherein, it was held that the declaration of temple as a denomination temple is a matter of Civil Court jurisdiction. In another Judgment of this Court in the case of **the Government of Tamil Nadu, Rep. by its District Collector, Tirunelveli District and others vs. Vanniaperumal Nadar (died) and others (S.A.No.150 of 2006)**, this Court entertained the Second Appeal wherein the suit was filed before the Principal District Munsif to declare the property as a denomination temple.

4. Heard the learned counsel appearing for the revision petitioner and perused the materials available on record.

5. The revision petitioners have preferred the present suit since the HR&CE Department has issued notices to the revision petitioners for production of documents. It was protested by the petitioners that the temples will not fall within the purview of the provisions of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

6. According to the revision petitioners, the temples belong to a particular community and as laid down by this Hon'ble Court, the present dispute can be entertained by ordinary Civil Court, i.e. jurisdictional Court for the present suit is the District Munsif Court, Thirumangalam and only if the temples fall under HR&CE Act, the jurisdiction would lie with Sub Court.

7. In view of the dictum laid down by this Court in the above Judgments (supra), this Court is of the view that in a suit filed for declaration of suit temples as denomination temples, the Civil Court has jurisdiction to entertain the present suit. Therefore, the District Munsif Court, Thirumangalam is having jurisdiction to entertain the present suit. Further, this Court does not find any impediment for the Court below in refusing to entertain the present suit. Therefore, the return of the plaint by the Court



below is unsustainable in law. Hence, this Court directs the Court below to number the suit and decide the matter on merits and in accordance with law.

8. Accordingly, this Civil Revision Petition is disposed of.
No costs.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

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To
The District Munsif
Thirumangalam.

Copy to
The Section Officer,
VR Section
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.R.G.SHANKAR GANESH, Advocate (SR-91376[F] dated 04/10/2019)

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_KM/ (08.11.2019) 3P 5C