

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

C.R.P.(P.D).No.3719 of 2016
and C.M.P.No.18889 of 2016

Thiruvannamalai Town Vaniya
Chettiar Development and Welfare Association,
rep.by its Secretary,
No.44, Chengam Road
Thiruvannamalai.

...Petitioner

Vs.

1.Arulmighu Arunachalaeswarar Devasthanam
Thiruvannamalai rep.by its Executive Officer/
Joint Commissioner.

2.C.N.Siva Babu

...Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order and decretal order dated 04.10.2016 passed in C.M.A.No.5 of 2016 on the file of the District Judge, Thiruvannamalai, Thiruvannamalai District, confirming the order and decretal order dated 20.07.2015 in I.A.No.77 of 2015 in O.S.No.74 of 2015 on the file of the Principal Subordinate Judge, Thiruvannamalai.

For Petitioner : Mr.A.S.Narasimhan

For Respondents : Mr.A.K.Sriram for
M/s A.S.Kailash & Asso. for R1
Mr.J.Ashok for R2

ORDER

This Civil Revision Petition is directed as against the fair and decretal order passed on dated 04.10.2016 passed in C.M.A.No.5 of 2016 on the file of the District Judge, Thiruvannamalai, Thiruvannamalai District, confirming the order and decretal order dated 20.07.2015 in I.A.No.77 of 2015 in O.S.No.74 of 2015 on the file of the Principal Subordinate Judge, Thiruvannamalai, thereby dismissed the petition for interim injunction.

2.The petitioner is the plaintiff, he filed a suit as against the respondents for declaration and consequential injunction. While filing the suit, the petitioner filed a petition for interim injunction. Though the trial Court initially granted interim injunction and thereafter dismissed the petition for injunction.

3.Aggrieved by the same, the petitioner filed the C.M.A.No.5 of 2016 and the same was also dismissed and confirmed the order passed by the trial Court.

4.As against the same, the present Civil Revision Petition has been filed. The petitioner marked exhibits, Exs.P.1 to 8 and the respondents marked exhibits, Exs.R.1 to 7. According to the plaintiff, though it is prescribed as property, ad measuring 9215 sq.ft., and it is a Mutt. There is no description about the existence of Madam. The suit property comprised in Survey No.529/2 whereas the Ex.R.1 reveal that the property comprised in S.No.529/5 is shown in the municipal register as Agni Theertha Kulam, MariammanKoil, Agni Lingeswarar Koil with an extent of one hectare and 4667 sq.meters. The Ex.P.1 is the decree passed in O.S.No.67 of 1936 with records to 1st respondent temple and it is nothing to do with the suit schedule property. The Ex.P.3 is the Municipal receipts issued in the name of the plaintiff for the period from 2011 to 2014 and 2015 respectively. The Ex.P.4 is related to receipt issued by the 1st respondent herein for mandagapadi in the name of one Gopal Chettiar for the period from 1976 to 1997. It is mentioned that except the Ex.P.3, no other documents related to the suit property was marked before Principal Subordinate Court, Tiruvannamalai. Therefore, the petitioner failed to prove its possession in the suit property and as such the petitioner has to prove its title in respect of

the suit property and seek injunction in consequence of the said relief. The petitioner failed to prove prima facie case in respect of title of the suit property.

5. Therefore, the Courts below rightly dismissed the petitions and this Court finds no infirmity or irregularity in the order dated 04.10.2016 passed in C.M.A.No.5 of 2016 on the file of the District Judge, Thiruvannamalai, Thiruvannamalai District, confirming the order and decretal order dated 20.07.2015 in I.A.No.77 of 2015 in O.S.No.74 of 2015 on the file of the Principal Subordinate Judge, Thiruvannamalai, and thus the present Civil Revision Petition stands dismissed. No costs. Consequently connected miscellaneous petition is closed.

16.02.2021

Index: Yes/No

Internet: Yes/No

Speaking Order: Yes/No

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To

1. The District Judge, Thiruvannamalai, Thiruvannamalai District.

2. The Principal Subordinate Judge, Thiruvannamalai.

G.K.ILANTHIRAIYAN.J,

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