

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 18TH DAY OF MARCH 2022

THE HON'BLE DR. JUSTICE ANITA SUMANTH

O.A. No.711 of 2017
and
A. Nos.4951 to 4957 of 2017
and
A. Nos.3896, 3918 of 2017
in
C.S.No.117 of 1907
and
A.No.9748 of 2018
and
A.Nos.786 of 2022, 1222 of 2022 and 1223 of 2022
and
C.S.No.837 of 2018

1. Mr.Agasthi Munisamy Chetty
2. Mr.Kotta Kumaraswami Chetty
3. Mr.B.K.Saravana Chetty
4. Mr.P.Puttaswamy Chetty
5. Mr.K.S.V.Chocalinga Chetty
6. Mr.C.Singaravelu Chenny

... Plaintiffs

-Versus-

1. Mr.Manali Murugappa Chetty
2. Mr.Malla Subroya Chetty
3. Mr.M.Thangavelu Chetty
4. Mr.karingal Raju Chetty
5. Mr.P.Pathravi Chetty
6. Mr.T.T.Arumuga Chetty
7. Mr.V.Abbnoyi Chetty
8. Mr.P.Nagappa Chetty
9. Mr.G.Chengalroya Chetty

10. Mr.P.P.Ragaya Chetty
11. Mr.C.Subroya Chetty
12. Mr.T.T.Deivasigamany Chetty
13. Mr.K.Appukutty Chetty

... Defendants

O.A. No.711 of 2017, A. Nos.3896, 3918 of 2017:-

Sri Muthukumaraswamy Devasthanam
also known as Kandaswamy Temple,
Rep. by

1. Mr. S. Muthu
S/o. A. Sivasankaran,
Former Senior Trustee
Kandakottam Sri Muthukumara Swamy Devasthanam
No. 9/4, Narasaiyar Street,
Old Washermenpet, Chennai 600 021.

2. Mr. P. Tilak Kumar
S/o. P. Ramaiah,
Former Trustee
Kandakottam Sri Muthukumara Swamy Devasthanam
No. 23/65, Satta Naicken Street,
Choolai, Chennai 600 112.

... Applicants

-Versus-

1. The Secretary to Government
Commercial Taxes and Religious Endowments,
Fort St.George, Chennai 600 009.

2. The Commissioner
Hindu Religious & Charitable Endowments
Uttamar Gandhi Road, Nungambakkam,
Chennai 600 034.

3. Sree Muthukumaraswamy Devasthanam
Popularly known as "Kandha Kottam"
Rasappa Chetty Street, Park Town,
Chennai 600 003.

4. The Joint Commissioner
Hindu Religious & Charitable Endowments
Uttamar Gandhi Road, Nungambakkam,
Chennai 600 034. ... Respondents

O.A. No.711 of 2017:-

Original Application praying that this Hon'ble Court be pleased to pass an order of Ad-Interim injunction restraining the respondent 1st 2nd and 4th respondent from in any manner passing adverse orders against the Management of the 3rd respondent temple in violation of the Scheme Decree passed in C.S. No. 117 of 1907 dated 12.01.1990 and 25.10.1990 as observed in the orders, of this Hon'ble Court passed in O.S.A. No.108 of 1987 dated 21.02.1994.

A. No.3896 of 2017:-

Application praying that this Hon'ble Court be pleased to grant leave to the Applicants to file applications in Scheme Decree in C.S. No. 117 of 1907 dated 12.01.1990 and 25.10.1990.

A. No.3918 of 2017:-

Application praying that this Hon'ble Court be pleased to direct 1st and 2nd respondents to strictly administer the 3rd respondent temple as per the Scheme Decree passed in C.S. No. 117 of 1907 dated 12.01.1990

and 25.10.1990 as observed in the orders, of this Hon'ble Court passed in
O.S.A. No.108 of 1987 dated 21.02.1994.

A. Nos.4951 to 4957 of 2017:-

1. P.S.Rudhrakumar,
S/o. P.R.Subramanian,
Door No.59 & 60, PRS Complex
Rasappa Chetty Street, Park Town,
Chennai 600 003

2. N.B.Selvaraj,
S/o.N.Balasubramanian,
Door No.60, New No.22,
Vallalar Street, Perikuppam,
Thiruvallur-602 001.

3. P.S.Rajasekaran,
S/o.P.R.Subramanian,
Door No.59 & 60, PRS Complex,
Rasappa Chetty Street,
Park Town, Chennai-600 003.

4. M.Vijayakumar,
S/o.A.R.Mallikeswaran,
New No.5, Old No.2,
12th Cross Road, Dhandeeswarar Nagar,
Velacherry, Chennai-600 042.

5. R.Chandrasekar,
S/o.K.Ramaswami,
140 A, Varadarajan Street,
Sathuma Nagar, Chennai-600 019.

6. E.Jayakumar,
S/o.G.Ekambaram Chetty,
12, Kalappa Achary Street,
Park Town, Chennai-600 003.

7. A.B.Srinivasan,
S/o.A.T.Balakrishnan,

No.29-B, Mettu Street,
Ayanavaram, Chennai-600 023.

8. E.Kandan,
S/o.M.Elappa Chettiar,
No.27/118, Loganathan Street,
Krishnapuram, Ambattur,
Chennai-600 053.

9. E.Palani,
S/o.M.Elappa Chettiar,
104, Ramadoss Street,
Krishnapuram, Ambattur,
Chennai-600 053.

... Applicants

-Versus-

1. The Commissioner,
Hindu Religious & Charitable Endowments,
Uthamar Gandhi Adigal Salai,
Nungambakkam, Chennai-600 034.

2. The Joint Commissioner,
Hindu Religious & Charitable Endowments,
Uthamar Gandhi Adigal Salai,
Nungambakkam, Chennai-600 034.

3. Arulmigu Sri Muthukumaraswami Temple,
alias Kandaswami Temple,
44, Rasappa Chetty Street, Park Town,
Chennai-600 003, represented by its
The Executive Officer

... Respondents

A. No.4951 of 2017:-

Application praying that this Hon'ble Court be pleased to pass an
order of stay of operation of the order dated 26.04.2017 in suo-moto O.A.

No.3/1992 on the file of the 2nd respondent pending disposal of the application to set aside the same.

A. No.4952 of 2017:-

Application praying that this Hon'ble Court be pleased to set aside the order of 1st Respondent in Se.Mu.Na.Ka.No.30979/2016/L5/ dated 26.05.2017.

A. No.4953 of 2017:-

Application praying that this Hon'ble Court be pleased to direct the 2nd respondent to handover the administration of the temple to Board of Trustees so elected.

A. No.4954 of 2017:-

Application praying that this Hon'ble Court be pleased to appoint an Officer of Court with a direction to conduct election of Board of Trustees to Arulmigu Sri Muthukumaraswami Temple alias Kandaswami Temple, No.44, Rasappa Chetty Street, Park Town, Chennai-600 003 and also issue further directions as may be necessary as per the terms and conditions of the scheme decree dated 12.01.1910 in C.S. No.117/1907 on the file of this Hon'ble Court and subsequently modified by order dated 25.01.1921.

A. No.4955 of 2017:-

Application praying that this Hon'ble Court be pleased to pass an order of stay of operation of the order dated 26.05.2017 in Se.Mu.Na.Ka.No.30979/2016/L5/ on the file of the 1st Respondent pending disposal of the application to set aside the same.

A. No.4956 of 2017:-

Application praying that this Hon'ble Court be pleased to dispense with the production of certified copies of the order in Suo-moto O.A. No.3/1992 dated 26.04.2017 on the file of the 2nd respondent and the order of 1st respondent in Se.Mu.Na.Ka.No.30979/2016/L5/ dated 26.05.2017.

A. No.4957 of 2017:-

Application praying that this Hon'ble Court be pleased to set aside the order in suo-moto O.A. No.3 of 1999 dated 26.04.2017 on the file of the 2nd Respondent and consequently hold that the Respondents are bound by the scheme decree dated 12.01.1910 in C.S. No.117/1907 on the file of this Hon'ble Court and subsequently modified by order dated 25.01.1921.

C.S.No.837 of 2018:-

1. Kanthakotta Ayira Vysiya Beri Chettiar
Samooga Munnetra Sangam a Registered Society

registered under Tamil Nadu Societies Registration Act 1975
 SL.No.335/2017 rep by its Joint Secretary
 K.Sendilvellan,
 residing at Old No.25, New No.14,
 Murali Street, Mahalingapuram,
 Chennai 600 034.

2. P.S.Rudhrakumar
 S/o.Late.P.R.Subramanian
 No.17, New No.39,
 Unnamalai Ammal Street,
 T.Nagar, Chennai 600 017.

3. A.B.Srinivasan
 S/o.Late A.T.Balakrishnan
 No.29B, Mettu Street,
 Ayanavaram,
 Chennai 600 023.

(Worshippers of Sri Muthukumaraswamy Devasthanam
 Popularly known as Kanthakottam Temple,
 Chennai 600 003) Plaintiffs/Applicants

Vs

1. Sri Muthukumaraswamy Devasthanam,
 Popularly known as Kanthakottam Temple,
 Represented by Executive Office / Fit Person
 appointed by HR & CE Department,
 Chennai 600 003.

2. Sri Muthukumaraswamy Arts and Science College,
 Kodungaiyur, Chennai 600 118
 Represented by its Correspondent

3. Sri Muthukumaraswamy Devasthanam,
 Sri Venugopal Chettiar Primary and Higher Secondary School,
 Rotlers Street, Purasaiwalkam, Chennai 600 112
 Represented by its Correspondent

4. Sri Muthukumaraswamy Devasthanam

Hindu Primary and Higher Secondary School,
No.18, Ponnappa Street, Park Town, Chennai 600 003
Represented by its Correspondent.

5. Sri Muthukumarswamy Devasthanam
Hindu Primary School
No.4 Subbu Street, Park Town
Chennai 600 003
Represented by its Correspondent

6. Kannabiran- Padmavathi Ammal Primary School,
Oteri, Chennai 600012
Represented by its Correspondent

7. SMK Vidhyashram (CBSE)
Plot No.92/1 and 9 8th Block, Muththamil Nagar
Kodungaiyur, Chennai 600 118
represented by its Correspondent

8. P.K.Krishnamurthy
S/o.Kandaswamy Chetty,
No.11, Venkatesan Street, Purasaiwalkam
Chennai 600 007.

9. P.Ekambaram
S/o. Palani
No.54, Kandappa Street,
Purasaiwalkam, Chennai 600 007.

10. R.Vivekanandan
S/o. P.Ramalingam,
No.62, First Floor, 11th Street,
V Block, Anna Nagar, Chennai 600 040.

11. R.Lakshmanaswamy
S/o.P.Ramalingam,
No.62, Ground Floor, 11th Street,
V Block, Anna Nagar,
Chennai 600 040.

12. K.Elangovan
S/o. Kuppusamy

No.12, West Street,
Sriram Nagar, Alwarpet,
Chennai 600 018.

13. B.Arulmozhi
D/o. P.Balasubramanian,
No.62, First Floor, 11th Street, V Block,
Anna Nagar, Chennai 600 040.

14. P.E.Ramachandran
S/o.Ekambaram,
No.54, Kandappa Street, Purasaiwalkam,
Chennai 600 007.

15. Sree Muthukumaraswamy Educational Society,
Represented by its President having its Office at
No.212, Mint Street, Chennai 600 003.

.. Defendants/Respondents

Civil Suit praying that the Hon'ble Court be pleased to pass a
Judgement and decree:-

1. Declaring that the Defendants 2 to 7 educational institutions
are the assets of the 1st Defendant temple.

2. Consequently directing the Defendants 8 to 15 to handover the
administration of Defendants 2 to 7 to the elected Board of Trustees of the
1st Defendant temple.

3. Declaring that registration of Sri Muthukumaraswamy
Educational Society 15th Defendant bearing No.338/2008 on the file of
Registrar of Societies, North Chennai is null and void

4. Directing the Defendants 8 to 15 to render true and proper accounts and pay to the 1st Defendant a sum of Rs 32 Lakhs earned by them as profits tentatively estimated by the Plaintiffs from the year 2010 till date of plaint namely .09.2018 and thereby surcharging them as per law.

5. Directing an enquiry into future profits from the date of plaint namely .09.2018 till the date of handing over of administration of educational institutions namely Defendants 2 to 7

6. Directing the Defendants 8 to 15 to pay the cost of the suit to the plaintiffs

A.No. 9748 of 2018:-

1. Kanthakotta AyiraVysiya Beri Chettiar
Samooga Munnetra Sangam a Registered Society
registered under Tamil Nadu Societies Registration Act 1975
SL.No.335/2017 rep by its Joint Secretary
K.Sendilvellan,
residing at Old No.25, New No.14,
Murali Street, Mahalingapuram,
Chennai 600 034.

2. P.S.Rudhrakumar
S/o.Late.P.R.Subramanian
No.17, New No.39,
Unnamalai Ammal Street,
T.Nagar, Chennai 600 017.

3. A.B.Srinivasan
S/o.Late A.T.Balakrishnan
No.29B, Mettu Street,
Ayanavaram,

Chennai 600 023.

(Worshippers of Sri Muthukumaraswamy Devasthanam
Popularly known as Kanthakottam Temple,
Chennai 600 003) Plaintiffs/Applicants

Vs

1. Sri Muthukumaraswamy Devasthanam,
Popularly known as Kanthakottam Temple,
Represented by EO / Fit Person
appointed by HR & CE Department,
Park Town, Chennai 600 003.
2. Sri Muthukumaraswamy Arts and Science College,
Kodungaiyur, Chennai 600 118
Represented by its Correspondent
3. Sri Muthukumaraswamy Devasthanam,
Sri Venugopal Chettiar Primary and Higher Secondary School,
Rotlers Street, Purasaiwalkam, Chennai 600 112
Represented by its Correspondent
4. Sri Muthukumaraswamy Devasthanam
Hindu Primary and Higher Secondary School,
No.18, Ponnappa Street, Park Town, Chennai 600 003
Represented by its Correspondent.
5. Sri Muthukumaraswamy Devasthanam
Hindu Primary School
No.4 Subbu Street, Park Town
Chennai 600 003
Represented by its Correspondent
6. Kannabiran- Padmavathi Ammal Primary School,
Oteri, Chennai,
Represented by its Correspondent

7. SMK Vidhyashram (CBSE)
Plot No.92/1 & 9, 8th Block, Muththamil Nagar
Kodungaiyur, Chennai 600 118
represented by its Correspondent

8. Mr. P.K.Krishnamurthy
S/o.Kandaswamy Chetty,
No.11, Venkatesan Street, Purasaiwalkam
Chennai 600 007.

9. Mr. P.Ekambaram
S/o. Palani
No.54, Kandappa Street,
Purasaiwalkam, Chennai 600 007.

10. Mr. R.Vivekananthan
S/o. P.Ramalingam,
No.62, First Floor, 11th Street,
V Block, Anna Nagar, Chennai 600 040.

11. Mr. R.Lakshmanaswamy,
S/o. P.Ramalingam,
No.62, Ground Floor, 11th Street,
V Block, Anna Nagar,
Chennai 600 040.

12. Mr. K.Elangovan,
S/o. Kuppusamy
No.12, West Street,
Sriram Nagar, Alwarpet,
Chennai 600 018.

13. B.Arulmozhi
D/o. P.Balasubramanian,
No.62, First Floor, 11th Street, V Block,
Anna Nagar, Chennai 600 040.

14. Mr. P.E.Ramachandran
S/o.Ekambaram,
No.54, Kandappa Street, Purasaiwalkam,
Chennai 600 007.

15. Sree Muthukumaraswamy Educational Society,
Represented by its President
having its Office at No.212,
Mint Street, Chennai 600 003.

.. Defendants/Respondents

A.No.9748 of 2018:-

Application praying that this Hon'ble Court be pleased to appoint a Receiver/Administrator to take over the administration of the educational institutions namely Defendants 2 to 7 and conferring the receiver with all powers of administration essential for running and administering the said educational institutions pending disposal of the suit.

A.No.786 of 2022:-

1. Kannabiran-Padmavathi Ammal Primary School,
Oteri, Chennai - 600 012,
Represented by its Correspondent

2. B.Arulmozhi
D/o. P.Balasubramanian,
No.62, First Floor, 11th Street, V Block,
Anna Nagar, Chennai 600 040.

...Applicants/6 & 13 Defendants

versus

1. Kanthakotta AyiraVysiya Beri Chettiar
Samooga Munnetra Sangam a Registered Society,

registered under Tamilnadu Societies Registration Act 1975
 SL.No.335/2017 rep by its Joint Secretary
 K.Sendilvellan,
 residing at Old No.25, New No.14,
 Murali Street, Mahalingapuram,
 Chennai 600 034.

2. P.S.Rudhrakumar
 Son of Late P.R.Subramanian
 No.17, New No.39,
 Unnamalai Ammal Street,
 T.Nagar, Chennai - 600 017.

3. A.B.Srinivasan
 Son of Late A.T.Balakrishnan
 No.29B, Mettu Street,
 Ayanavaram, Chennai - 600 023.

(Worshippers of Sri Muthu Kumaraswamy Devasthanam
 Popularly known as Kanthakottam Temple,
 Chennai - 600 003) ...Respondents/Plaintiffs

Application praying that this Hon'ble Court be pleased to order to
 condone delay of 1098 days in filing the written statement of the 6th and 13th
 defendant be ordered.

A.No.1222 of 2022:-

1. Sri Muthukumaraswamy Educational Society,
 Rep. by its President
 Having Office at No.212,
 Mint Street, Chennai - 600 003. ...Applicant/Defendant No.15

versus

1. Kandakotta Ayira Vysiya Beri Chettiar
Samooga Munnetra Sangam, a Registered Society,
registered under Tamilnadu Societies Registration Act 1975
SL.No.335 of 2017 rep by its Joint Secretary
K.Sendilvellan,
S/o. N.R. Kumaraguru,
Residing at Old No.25, New No.14,
Murali Street, Mahalingapuram,
Chennai 600 034.

2. P.S.Rudhrakumar
S/o. Late P.R. Subramanian
No.17, New No.39,
Unnamalai Ammal Street,
T.Nagar, Chennai - 600 017.

3. A.B. Srinivasan,
S/o. Late A.T.Balakrishnan,
No.29B, Mettu Street,
Ayanavaram, Chennai - 600 023.

- (Worshipers of Sri Muthu Kumaraswamy Devasthanam
Popularly known as Kanthakottam Temple,
Chennai - 600 003) ...Respondents/Plaintiffs

4. Sri Muthukumaraswamy Devasthanams,
Popularly known as Kandhakottam Temple,
Rep. by its Executive Officer / Fit Person
Appointed by HR & CE Department,
Park Town, Chennai - 600 003.

5. Sri Muthukumaraswamy Arts and Science College,
Kodungaiyur, Chennai - 600 118
Represented by its Correspondent

6. Sri Muthukumaraswamy Devasthanams,
Sri Venugopal Chettiar Primary and Higher Secondary School,
Purasaiwalkam, Rotlers street, Veperi,
Chennai - 600 112
Rep. by its Correspondent

7. Sri Muthukumaraswamy Devasthanams,

Hindu Primary and Higher Secondary School,
No.18, Ponnappa Street, Park Town, Chennai - 600 003
Represented by its Correspondent.

8. Sri Muthukumarswamy Devasthanams,
Hindu Primary School, No.4 Subbu Street,
Park Town, Chennai - 600 003
Rep. by its Correspondent

9. Kannabiran - Padmavathi Ammal Primary School,
Oteri, Chennai,
Represented by its Correspondent

10. SMK Vidhyashram (CBSE),
plot No.92/1 & 9, 8th Block, Muththamil Nagar
Kodungaiyur, Chennai - 600 118
Rep. by its Correspondent

11. Mr. P.K.Krishnamurthy
S/o.Kandaswamy Chetty,
No.11, Venkatesan Street, Purasaiwalkam,
Chennai- 600 007.

12. Mr. P.Ekambaram,
S/o. Palani,
No.54, Kandappa Street,
Purasaiwalkam, Chennai - 600 007.

13. Mr. R.Vivekananthan
S/o. P.Ramalingam,
No.62, 1st Floor, 11th Street,
V Block, Anna Nagar,
Chennai - 600 040.

14. Mr. R.Lakshmanaswamy,
S/o. P.Ramalingam,
No.62, 1st Floor, 11th Street,
V Block, Anna Nagar,
Chennai 600 040.

15. Mr. K. Elangovan,
S/o. Kuppusamy,

No.12, West Street,
Sriram Nagar, Alwarpet,
Chennai - 600 018.

16. B.Arulmozhi
D/o. P.Balasubramanian,
No.62, 1st Floor, 11th Street,
V Block, Anna Nagar,
Chennai - 600 040.

17. Mr. P.E.Ramachandran,
S/o. Ekambaram,
No.54, Kandappa Street,
Purasaiwalkam, Chennai - 600 007. ...Respondents / Defendants

Application praying that this Hon'ble Court be pleased to condone
the delay of 955 days in filing written statement.

A.No.1223 of 2022:-

Sri Muthukumaraswamy Devasthanam,
Popularly known as Kandakottam Temple,
Represented by Executive Office / Fit Person,
Appointed by HR&CE Department,
No.44, Rasappa Chetty Street,
Park Town, Chennai - 600 003. ...Applicant/1st Defendant

versus

1. Kandhakotta Ayira Vysia Beri Chettiar
Samooga Munnetra Sangam
a Registered Society,
Registered under Tamil Nadu Societies Registration Act, 1975,
SL.No.335 of 2017 rep by its Secretary
K.Sendilvellan. ...1st Respondent/1st Plaintiff

2. P.S.Rudrakumar,
S/o. late P.R. Subramanian,
No.39, Unnamalai Ammal Street,
T.Nagar, Chennai - 600 017. ...2nd Respondent/2nd Plaintiff
3. A.B. Srinivasan,
S/o. A.T.Balakrishnan,
29-B, Mettu Street,
Ayanavaram, Chennai - 600 023. ...3rd Respondent/3rd Plaintiff
4. Sri Muthukumaraswamy Arts and Science College,
Kodungaiyur, Chennai - 600 118
Represented by its Correspondent.
5. Sri Muthukumaraswamy Devasthanam,
Sri Venugopal Chettiar Primary and Higher Secondary School,
Purasaiwalkkam, Chennai - 600 112
Represented by its Correspondent.
6. Sri Muthukumaraswamy Devasthanam Hindu Primary and
Higher Secondary School,
Park Town, Chennai - 600 003
Represented by its Correspondent.
7. Sri Muthukumaraswamy Devasthanam Hindu Primary School,
Park Town, Chennai - 600 003
Represented by its Correspondent
8. Kannabiran - Padmavathy Ammal Primary School,
Otteri, Chennai - 600 012,
Represented by its Correspondent.
9. SMK Vidhyasharam (CBSE),
Kodungaiyur, Chennai - 600 118
Represented by its Correspondent.
10. P.K.Krishnamurthy
S/o.Kandasamy Chettiar,
No.11, Venkatesan Street,
Purasaiwalkkam, Chennai - 600 007.
11. P.Ekambaram,

S/o. P.R.Palani Chettiar,
No.54, Kandappa Street,
Purasaiwalkkam, Chennai - 600 007.

12. R.Vivekanandan
S/o. P.Ramalingam,
No.62, First Floor, 11th Street,
V Block, Anna Nagar, Chennai - 600 040.

13. R.Lakshmanaswamy,
S/o.P.Ramalingam,
No.62, Ground Floor, 11th Street,
V Block, Anna Nagar,
Chennai - 600 040.

14. K.Elangovan,
S/o. Kuppusamy Chetty,
No.12, West Street,
Sriram Nagar, Alwarpet,
Chennai 600 018.

15. B.Arulmozhi,
D/o. Late P.Balasubramanian,
No.62, First Floor, 11th Street, V Block,
Anna Nagar, Chennai - 600 040.

16. P.E.Ramachandran,
S/o. P.Ekambaram,
No.54, Kandappa Street,
Purasaiwalkkam, Chennai 600 007.

17. Sree Muthukumaraswamy Educational Society,
Represented by its President
No.212, Mint Street,
Chennai 600 003.

...Respondents 4 to 17/Defendants 2 to 17

Application praying that this Hon'ble Court be pleased to

condone the delay of 1109 days in filing the written statement in C.S.no: 837 of 2018 by the 1st defendant.

These Applications along with Civil Suit, and W.P.Nos.28763, 29658, 29659, 34672 of 2013, 15151, 18068, 17599, 23560, 27522, 27681, 27842, 3527 of 2014, 30371 of 2015, 2301 of 2016, and 15026, 5293 of 2017 and WMP.Nos.16263 and 16264 of 2017, connected Miscellaneous Petitions in the presence of Mr.K.Chandra Sekaran, Advocate for the applicant in A.Nos.4951 to 4957 of 2017 and Mr.M.Karthikeyan, Special Government Pleader, appearing for the 1st and 2nd respondent in A.Nos.4951 to 4957 of 2017, and for the respondents 1, 2 and 4 in O.A.No.711 of 2017 and A.Nos.3896 and 3918 of 2017, and Mr.S.R.Rajagopal, learned Additional Advocate General, assisted by Mr.R.Bharanidharan, Advocates for the 3rd respondent in A.Nos.4951 to 4957 of 2017 and O.A.No.711 of 2017 and A.Nos.3896 and 3918 of 2017, and Mr.K.Mohanamurali, Advocate for the applicant in O.A.No.711 of 2017 and A.Nos.3896 and 3918 of 2017 and Mr.L.Chandrasekaran, Advocate for the Plaintiff in C.S.No.837 of 2018 and for the applicant in A.No.9748 of 2018 and Mr.NRR.ArunNatarajan, Government Advocate appearing for the 1st Defendant in C.S.No.837 of 2018 and for the 1st respondent A.No.9748

of 2018 and Mr.Sathish Parasaran, Senior Counsel for Mr.R.Parthasarathy, Advocate for the defendants 2 to 10 in C.S.No.837 of 2018 and for the respondents 2 to in A.No.9748 of 2018, and Mr.M.Sankar & Mr.K.Satish Kumar, Advocates for the 13th defendant in C.S.No.837 of 2018 and for the 13th respondent in A.No.9748 of 2018, and Mr.K.Vijayaraghavan, Advocate for the defendants 11, 12 and 15 in C.S.No.837 of 2018 and for the respondents 11, 12 and 15 in A.No.9748 of 2018, and M/s. M.Sankar, Advocate for the Applicant in A.No.786 of 2022 and M/s. K.Vijayaraghavan, Advocate for the Applicant in A.No.1222 of 2022 and M/s.R.Karthikeyan, Advocate for the Applicant in A.No.1223 of 2022 and upon reading the memo filed by the 9th Defendant dated 04.03.2022 in C.S.No.837 of 2018 and memo filed by the 3rd Respondent dated 18.03.2022, and **the Court made the following order:-**

Only D1. D2. D6, D10, D13 and D15 have filed their written statements as on date.

2.A.Nos.1222 & 1223 of 2022 for condonation of delay are ordered.

3.Written statements, if filed by 25.03.2022, will be taken on file with costs of Rs.1000/- each to the Cancer Institute, Adyar, Chennai-600 020, failing which they will be set exparte.

4.Memo of D9 to the effect that the party is no longer a trustee and reporting no instructions is taken on file.

5.In light of specific allegation at paragraphs 5 and 6 of the memo dated 18.03.2022 filed by the 3rd respondent to the effect that despite directions of this Court, there are no effective steps being taken by the Registrar or response to notices issued by the learned Judge Commissioner, let instructions be taken on this aspect.

6.List for framing of issues on 21.04.2022. Let the parties circulate the draft issues by then. Registry is directed to print the name of Mr.Edwin Prabakaran, learned counsel for Registrar of Societies.

WITNESS THE HON'BLE MR. JUSTICE MUNISHWAR NATH BHANDARI, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 18th DAY OF MARCH 2022.

Sd/-

ASSISTANT REGISTRAR (O.S.II)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

ARS
29.03.2022

O.A. No.711 of 2017
and
A. Nos.4951 to 4957 of 2017
and
A. Nos.3896, 3918 of 2017
in
C.S.No.117 of 1907
and
A.No.9748 of 2018
and
A.Nos.786 of 2022,
1222 of 2022 and 1223 of 2022
and
C.S.No.837 of 2018

ORDER

DATED: 18.03.2022

THE HON'BLE DR.JUSTICE
ANITA SUMANTH

FOR APPROVAL: 11.04.2022

APPROVED ON: 11.04.2022

Copy to:-

Cancer Institute,
Adyar,
Chennai - 600 020.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 18TH DAY OF MARCH 2022

THE HON'BLE DR. JUSTICE ANITA SUMANTH

O.A. No.711 of 2017
and
A. Nos.4951 to 4957 of 2017
and
A. Nos.3896, 3918 of 2017
in
C.S.No.117 of 1907
and
A.No.9748 of 2018
and
A.Nos.786 of 2022, 1222 of 2022 and 1223 of 2022
and
C.S.No.837 of 2018
and
WP.No.5293 of 2017 & WP.Nos.2301/2016, 3527/2014, 15026/2017,
15151/2014, 17599, 18068, 23560, 27522, 27681 & 27842 of 2014 , 28763,
29658 & 29659 of 2013, 30371 of 2015 & 34672 of 2013 &
WMP.Nos.16263 & 16264 of 2017

1. Mr.Agasthi Munisamy Chetty
2. Mr.Kotta Kumaraswami Chetty
3. Mr.B.K.Saravana Chetty
4. Mr.P.Puttaswamy Chetty
5. Mr.K.S.V.Chocalinga Chetty
6. Mr.C.Singaravelu Chenny ... Plaintiffs

-Versus-

1. Mr.Manali Murugappa Chetty
2. Mr.Malla Subroya Chetty
3. Mr.M.Thangavelu Chetty
4. Mr.karingal Raju Chetty
5. Mr.P.Pathravi Chetty

6. Mr.T.T.Arumuga Chetty
7. Mr.V.Abbnoyi Chetty
8. Mr.P.Nagappa Chetty
9. Mr.G.Chengalroya Chetty
10. Mr.P.P.Ragaya Chetty
11. Mr.C.Subroya Chetty
12. Mr.T.T.Deivasigamany Chetty
13. Mr.K.Appukutty Chetty

... Defendants

O.A. No.711 of 2017, A. Nos.3896, 3918 of 2017:-

Sri Muthukumaraswamy Devasthanam
also known as Kandaswamy Temple,
Rep. by

1. Mr. S. Muthu
S/o. A. Sivasankaran,
Former Senior Trustee
Kandakottam Sri Muthukumara Swamy Devasthanam
No. 9/4, Narasaiyar Street,
Old Washermenpet, Chennai 600 021.

2. Mr. P. Tilak Kumar
S/o. P. Ramaiah,
Former Trustee
Kandakottam Sri Muthukumara Swamy Devasthanam
No. 23/65, Satta Naicken Street,
Choolai, Chennai 600 112.

... Applicants

-Versus-

1. The Secretary to Government
Commercial Taxes and Religious Endowments,
Fort St.George, Chennai 600 009.

2. The Commissioner
Hindu Religious & Charitable Endowments
Uttamar Gandhi Road, Nungambakkam,
Chennai 600 034.

3. Sree Muthukumaraswamy Devasthanam

Popularly known as "Kandha Kottam"
Rasappa Chetty Street, Park Town,
Chennai 600 003.

4. The Joint Commissioner
Hindu Religious & Charitable Endowments
Uttamar Gandhi Road, Nungambakkam,
Chennai 600 034.

... Respondents

O.A. No.711 of 2017:-

Original Application praying that this Hon'ble Court be pleased to pass an order of Ad-Interim injunction restraining the respondent 1st 2nd and 4th respondent from in any manner passing adverse orders against the Management of the 3rd respondent temple in violation of the Scheme Decree passed in C.S. No. 117 of 1907 dated 12.01.1990 and 25.10.1990 as observed in the orders, of this Hon'ble Court passed in O.S.A. No.108 of 1987 dated 21.02.1994.

A. No.3896 of 2017:-

Application praying that this Hon'ble Court be pleased to grant leave to the Applicants to file applications in Scheme Decree in C.S. No. 117 of 1907 dated 12.01.1990 and 25.10.1990.

A. No.3918 of 2017:-

Application praying that this Hon'ble Court be pleased to direct

1st and 2nd respondents to strictly administer the 3rd respondent temple as per the Scheme Decree passed in C.S. No. 117 of 1907 dated 12.01.1990 and 25.10.1990 as observed in the orders, of this Hon'ble Court passed in O.S.A. No.108 of 1987 dated 21.02.1994.

A. Nos.4951 to 4957 of 2017:-

1. P.S.Rudhrakumar,
S/o. P.R.Subramanian,
Door No.59 & 60, PRS Complex
Rasappa Chetty Street, Park Town,
Chennai 600 003

2. N.B.Selvaraj,
S/o.N.Balasubramanian,
Door No.60, New No.22,
Vallalar Street, Perikuppam,
Thiruvallur-602 001.

3. P.S.Rajasekaran,
S/o.P.R.Subramanian,
Door No.59 & 60, PRS Complex,
Rasappa Chetty Street,
Park Town, Chennai-600 003.

4. M.Vijayakumar,
S/o.A.R.Mallikeswaran,
New No.5, Old No.2,
12th Cross Road, Dhandeeswarar Nagar,
Velacherry, Chennai-600 042.

5. R.Chandrasekar,
S/o.K.Ramaswami,
140 A, Varadarajan Street,
Sathuma Nagar, Chennai-600 019.

6. E.Jayakumar,
S/o.G.Ekambaram Chetty,
12, Kalappa Achary Street,

Park Town, Chennai-600 003.

7. A.B.Srinivasan,
S/o.A.T.Balakrishnan,
No.29-B, Mettu Street,
Ayanavaram, Chennai-600 023.

8. E.Kandan,
S/o.M.Elappa Chettiar,
No.27/118, Loganathan Street,
Krishnapuram, Ambattur,
Chennai-600 053.

9. E.Palani,
S/o.M.Elappa Chettiar,
104, Ramadoss Street,
Krishnapuram, Ambattur,
Chennai-600 053.

... Applicants

-Versus-

1. The Commissioner,
Hindu Religious & Charitable Endowments,
Uthamar Gandhi Adigal Salai,
Nungambakkam, Chennai-600 034.

2. The Joint Commissioner,
Hindu Religious & Charitable Endowments,
Uthamar Gandhi Adigal Salai,
Nungambakkam, Chennai-600 034.

3. Arulmigu Sri Muthukumaraswami Temple,
alias Kandaswami Temple,
44, Rasappa Chetty Street, Park Town,
Chennai-600 003, represented by its
The Executive Officer

... Respondents

A. No.4951 of 2017:-

Application praying that this Hon'ble Court be pleased to pass an order of stay of operation of the order dated 26.04.2017 in suo-moto O.A. No.3/1992 on the file of the 2nd respondent pending disposal of the application to set aside the same.

A. No.4952 of 2017:-

Application praying that this Hon'ble Court be pleased to set aside the order of 1st Respondent in Se.Mu.Na.Ka.No.30979/2016/L5/ dated 26.05.2017.

A. No.4953 of 2017:-

Application praying that this Hon'ble Court be pleased to direct the 2nd respondent to handover the administration of the temple to Board of Trustees so elected.

A. No.4954 of 2017:-

Application praying that this Hon'ble Court be pleased to appoint an Officer of Court with a direction to conduct election of Board of Trustees to Arulmigu Sri Muthukumaraswami Temple alias Kandaswami Temple, No.44, Rasappa Chetty Street, Park Town, Chennai-600 003 and also issue further directions as may be necessary as per the terms and conditions of the

scheme decree dated 12.01.1910 in C.S. No.117/1907 on the file of this Hon'ble Court and subsequently modified by order dated 25.01.1921.

A. No.4955 of 2017:-

Application praying that this Hon'ble Court be pleased to pass an order of stay of operation of the order dated 26.05.2017 in Se.Mu.Na.Ka.No.30979/2016/L5/ on the file of the 1st Respondent pending disposal of the application to set aside the same.

A. No.4956 of 2017:-

Application praying that this Hon'ble Court be pleased to dispense with the production of certified copies of the order in Suo-moto O.A. No.3/1992 dated 26.04.2017 on the file of the 2nd respondent and the order of 1st respondent in Se.Mu.Na.Ka.No.30979/2016/L5/ dated 26.05.2017.

A. No.4957 of 2017:-

Application praying that this Hon'ble Court be pleased to set aside the order in suo-moto O.A. No.3 of 1999 dated 26.04.2017 on the file of the 2nd Respondent and consequently hold that the Respondents are bound by the scheme decree dated 12.01.1910 in C.S. No.117/1907 on the file of this Hon'ble Court and subsequently modified by order dated 25.01.1921.

C.S.No.837 of 2018:-

1. Kanthakotta AyiraVysiya Beri Chettiar
 Samooga Munnetra Sangam a Registered Society
 registered under Tamil Nadu Societies Registration Act 1975
 SL.No.335/2017 rep by its Joint Secretary
 K.Sendilvellan,
 residing at Old No.25, New No.14,
 Murali Street, Mahalingapuram,
 Chennai 600 034.

2. P.S.Rudhrakumar
 S/o.Late.P.R.Subramanian
 No.17, New No.39,
 Unnamalai Ammal Street,
 T.Nagar, Chennai 600 017.

3. A.B.Srinivasan
 S/o.Late A.T.Balakrishnan
 No.29B, Mettu Street,
 Ayanavaram,
 Chennai 600 023.

(Worshippers of Sri Muthukumaraswamy Devasthanam
 Popularly known as Kanthakottam Temple,
 Chennai 600 003) Plaintiffs/Applicants
 Vs

1. Sri Muthukumaraswamy Devasthanam,
 Popularly known as Kanthakottam Temple,
 Represented by Executive Office / Fit Person
 appointed by HR & CE Department,
 Chennai 600 003.

2. Sri Muthukumaraswamy Arts and Science College,
 Kodungaiyur, Chennai 600 118
 Represented by its Correspondent

3. Sri Muthukumaraswamy Devasthanam,
 Sri Venugopal Chettiar Primary and Higher Secondary School,
 Rotlers Street, Purasaiwalkam, Chennai 600 112
 Represented by its Correspondent

4. Sri Muthukumarswamy Devasthanam
Hindu Primary and Higher Secondary School,
No.18, Ponnappa Street, Park Town, Chennai 600 003
Represented by its Correspondent.

5. Sri Muthukumarswamy Devasthanam
Hindu Primary School
No.4 Subbu Street, Park Town
Chennai 600 003
Represented by its Correspondent

6. Kannabiran- Padmavathi Ammal Primary School,
Oteri, Chennai 600012
Represented by its Correspondent

7. SMK Vidhyashram (CBSE)
Plot No.92/1 and 9 8th Block, Muththamil Nagar
Kodungaiyur, Chennai 600 118
represented by its Correspondent

8. P.K.Krishnamurthy
S/o.Kandaswamy Chetty,
No.11, Venkatesan Street, Purasaiwalkam
Chennai 600 007.

9. P.Ekambaram
S/o. Palani
No.54, Kandappa Street,
Purasaiwalkam, Chennai 600 007.

10. R.Vivekanandan
S/o. P.Ramalingam,
No.62, First Floor, 11th Street,
V Block, Anna Nagar, Chennai 600 040.

11. R.Lakshmanaswamy
S/o.P.Ramalingam,
No.62, Ground Floor, 11th Street,
V Block, Anna Nagar,
Chennai 600 040.

12. K.Elangovan

S/o. Kuppusamy
No.12, West Street,
Sriram Nagar, Alwarpet,
Chennai 600 018.

13. B.Arulmozhi
D/o. P.Balasubramanian,
No.62, First Floor, 11th Street, V Block,
Anna Nagar, Chennai 600 040.

14. P.E.Ramachandran
S/o.Ekambaram,
No.54, Kandappa Street, Purasaiwalkam,
Chennai 600 007.

15. Sree Muthukumaraswamy Educational Society,
Represented by its President having its Office at
No.212, Mint Street, Chennai 600 003.

.. Defendants/Respondents

Civil Suit praying that the Hon'ble Court be pleased to pass a
Judgement and decree:-

1. Declaring that the Defendants 2 to 7 educational institutions
are the assets of the 1st Defendant temple.

2. Consequently directing the Defendants 8 to 15 to handover the
administration of Defendants 2 to 7 to the elected Board of Trustees of the
1st Defendant temple.

3. Declaring that registration of Sri Muthukumaraswamy
Educational Society 15th Defendant bearing No.338/2008 on the file of
Registrar of Societies, North Chennai is null and void

4. Directing the Defendants 8 to 15 to render true and proper accounts and pay to the 1st Defendant a sum of Rs 32 Lakhs earned by them as profits tentatively estimated by the Plaintiffs from the year 2010 till date of plaint namely .09.2018 and thereby surcharging them as per law.

5. Directing an enquiry into future profits from the date of plaint namely .09.2018 till the date of handing over of administration of educational institutions namely Defendants 2 to 7

6. Directing the Defendants 8 to 15 to pay the cost of the suit to the plaintiffs

A.No. 9748 of 2018:-

1. Kanthakotta AyiraVysiya Beri Chettiar
Samooga Munnetra Sangam a Registered Society
registered under Tamil Nadu Societies Registration Act 1975
SL.No.335/2017 rep by its Joint Secretary
K.Sendilvellan,
residing at Old No.25, New No.14,
Murali Street, Mahalingapuram,
Chennai 600 034.

2. P.S.Rudhrakumar
S/o.Late.P.R.Subramanian
No.17, New No.39,
Unnamalai Ammal Street,
T.Nagar, Chennai 600 017.

3. A.B.Srinivasan
S/o.Late A.T.Balakrishnan
No.29B, Mettu Street,
Ayanavaram,
Chennai 600 023.

(Worshippers of Sri Muthukumaraswamy Devasthanam
Popularly known as Kanthakottam Temple,

Chennai 600 003)

.... Plaintiffs/Applicants

Vs

1. Sri Muthukumaraswamy Devasthanam,
Popularly known as Kanthakottam Temple,
Represented by EO / Fit Person
appointed by HR & CE Department,
Park Town, Chennai 600 003.

2. Sri Muthukumaraswamy Arts and Science College,
Kodungaiyur, Chennai 600 118
Represented by its Correspondent

3. Sri Muthukumaraswamy Devasthanam,
Sri Venugopal Chettiar Primary and Higher Secondary School,
Rotlers Street, Purasaiwalkam, Chennai 600 112
Represented by its Correspondent

4. Sri Muthukumaraswamy Devasthanam
Hindu Primary and Higher Secondary School,
No.18, Ponnappa Street, Park Town, Chennai 600 003
Represented by its Correspondent.

5. Sri Muthukumaraswamy Devasthanam
Hindu Primary School
No.4 Subbu Street, Park Town
Chennai 600 003
Represented by its Correspondent

6. Kannabiran- Padmavathi Ammal Primary School,
Oteri, Chennai,
Represented by its Correspondent

7. SMK Vidhyashram (CBSE)
Plot No.92/1 & 9, 8th Block, Muththamil Nagar
Kodungaiyur, Chennai 600 118
represented by its Correspondent

8. Mr. P.K.Krishnamurthy
S/o.Kandaswamy Chetty,
No.11, Venkatesan Street, Purasaiwalkam
Chennai 600 007.

9. Mr. P.Ekambaram

S/o. Palani

No.54, Kandappa Street,
Purasaiwalkam, Chennai 600 007.

10. Mr. R.Vivekananthan

S/o. P.Ramalingam,

No.62, First Floor, 11th Street,
V Block, Anna Nagar, Chennai 600 040.

11. Mr. R.Lakshmanaswamy,

S/o. P.Ramalingam,

No.62, Ground Floor, 11th Street,
V Block, Anna Nagar,
Chennai 600 040.

12. Mr. K.Elangovan,

S/o. Kuppusamy

No.12, West Street,
Sriram Nagar, Alwarpet,
Chennai 600 018.

13. B.Arulmozhi

D/o. P.Balasubramanian,

No.62, First Floor, 11th Street, V Block,
Anna Nagar, Chennai 600 040.

14. Mr. P.E.Ramachandran

S/o.Ekambaram,

No.54, Kandappa Street, Purasaiwalkam,
Chennai 600 007.

15. Sree Muthukumaraswamy Educational Society,

Represented by its President

having its Office at No.212,
Mint Street, Chennai 600 003.

.. Defendants/Respondents

A.No.9748 of 2018:-

Application praying that this Hon'ble Court be pleased to appoint a Receiver/Administrator to take over the administration of the educational institutions namely Defendants 2 to 7 and conferring the receiver with all powers of administration essential for running and administering the said educational institutions pending disposal of the suit.

A.No.786 of 2022:-

1. Kannabiran-Padmavathi Ammal Primary School,
Oteri, Chennai - 600 012,
Represented by its Correspondent

2. B.Arulmozhi
D/o. P.Balasubramanian,
No.62, First Floor, 11th Street, V Block,
Anna Nagar, Chennai 600 040.

...Applicants/6 & 13 Defendants

versus

1. Kanthakotta AyiraVysiya Beri Chettiar
Samooga Munnetra Sangam a Registered Society,
registered under Tamilnadu Societies Registration Act 1975
SL.No.335/2017 rep by its Joint Secretary
K.Sendilvellan,
residing at Old No.25, New No.14,
Murali Street, Mahalingapuram,
Chennai 600 034.

2. P.S.Rudhrakumar
Son of Late P.R.Subramanian
No.17, New No.39,
Unnamalai Ammal Street,
T.Nagar, Chennai - 600 017.

3. A.B.Srinivasan
 Son of Late A.T.Balakrishnan
 No.29B, Mettu Street,
 Ayanavaram, Chennai - 600 023.

(Worshippers of Sri Muthu Kumaraswamy Devasthanam
 Popularly known as Kanthakottam Temple,
 Chennai - 600 003) ...Respondents/Plaintiffs

Application praying that this Hon'ble Court be pleased to order to
 condone delay of 1098 days in filing the written statement of the 6th and 13th
 defendant be ordered.

A.No.1222 of 2022:-

1. Sri Muthukumaraswamy Educational Society,
 Rep. by its President
 Having Office at No.212,
 Mint Street, Chennai - 600 003. ...Applicant/Defendant No.15

versus

1. Kandakotta Ayira Vysiya Beri Chettiar
 Samooga Munnetra Sangam, a Registered Society,
 registered under Tamilnadu Societies Registration Act 1975
 SL.No.335 of 2017 rep by its Joint Secretary
 K.Sendilvellan,
 S/o. N.R. Kumaraguru,
 Residing at Old No.25, New No.14,
 Murali Street, Mahalingapuram,
 Chennai 600 034.

2. P.S.Rudhrakumar
 S/o. Late P.R. Subramanian
 No.17, New No.39,

Unnamalai Ammal Street,
T.Nagar, Chennai - 600 017.

3. A.B. Srinivasan,
S/o. Late A.T.Balakrishnan,
No.29B, Mettu Street,
Ayanavaram, Chennai - 600 023.

(Worshippers of Sri Muthu Kumaraswamy Devasthanam
Popularly known as Kanthakottam Temple,
Chennai - 600 003) ...Respondents/Plaintiffs

4. Sri Muthukumaraswamy Devasthanams,
Popularly known as Kandhakottam Temple,
Rep. by its Executive Officer / Fit Person
Appointed by HR & CE Department,
Park Town, Chennai - 600 003.

5. Sri Muthukumaraswamy Arts and Science College,
Kodungaiyur, Chennai - 600 118
Represented by its Correspondent

6. Sri Muthukumaraswamy Devasthanams,
Sri Venugopal Chettiar Primary and Higher Secondary School,
Purasaiwalkam, Rotlers street, Veperi,
Chennai - 600 112
Rep. by its Correspondent

7. Sri Muthukumaraswamy Devasthanams,
Hindu Primary and Higher Secondary School,
No.18, Ponnappa Street, Park Town, Chennai - 600 003
Represented by its Correspondent.

8. Sri Muthukumaraswamy Devasthanams,
Hindu Primary School, No.4 Subbu Street,
Park Town, Chennai - 600 003
Rep. by its Correspondent

9. Kannabiran - Padmavathi Ammal Primary School,
Oteri, Chennai,
Represented by its Correspondent

10. SMK Vidhyashram (CBSE),
plot No.92/1 & 9, 8th Block, Muththamil Nagar
Kodungaiyur, Chennai - 600 118
Rep. by its Correspondent

11. Mr. P.K.Krishnamurthy
S/o.Kandaswamy Chetty,
No.11, Venkatesan Street, Purasaiwalkam,
Chennai- 600 007.

12. Mr. P.Ekambaram,
S/o. Palani,
No.54, Kandappa Street,
Purasaiwalkam, Chennai - 600 007.

13. Mr. R.Vivekananthan
S/o. P.Ramalingam,
No.62, 1st Floor, 11th Street,
V Block, Anna Nagar,
Chennai - 600 040.

14. Mr. R.Lakshmanaswamy,
S/o. P.Ramalingam,
No.62, 1st Floor, 11th Street,
V Block, Anna Nagar,
Chennai 600 040.

15. Mr. K. Elangovan,
S/o. Kuppusamy,
No.12, West Street,
Sriram Nagar, Alwarpet,
Chennai - 600 018.

16. B.Arulmozhi
D/o. P.Balasubramanian,
No.62, 1st Floor, 11th Street,
V Block, Anna Nagar,
Chennai - 600 040.

17. Mr. P.E.Ramachandran,
S/o. Ekambaram,
No.54, Kandappa Street,

Purasaiwalkam, Chennai - 600 007. ...Respondents / Defendants

Application praying that this Hon'ble Court be pleased to condone the delay of 955 days in filing written statement.

A.No.1223 of 2022:-

Sri Muthukumaraswamy Devasthanam,
Popularly known as Kandakottam Temple,
Represented by Executive Office / Fit Person,
Appointed by HR&CE Department,
No.44, Rasappa Chetty Street,
Park Town, Chennai - 600 003. ...Applicant/1st Defendant

versus

1. Kandhakotta Ayira Vysia Beri Chettiar
Samooga Munnetra Sangam
a Registered Society,
Registered under Tamil Nadu Societies Registration Act, 1975,
SL.No.335 of 2017 rep by its Secretary
K.Sendilvellan. ...1st Respondent/1st Plaintiff

2. P.S.Rudrakumar,
S/o. late P.R. Subramanian,
No.39, Unnamalai Ammal Street,
T.Nagar, Chennai - 600 017. ...2nd Respondent/2nd Plaintiff

3. A.B. Srinivasan,
S/o. A.T.Balakrishnan,
29-B, Mettu Street,
Ayanavaram, Chennai - 600 023. ...3rd Respondent/3rd Plaintiff

4. Sri Muthukumaraswamy Arts and Science College,
Kodungaiyur, Chennai - 600 118
Represented by its Correspondent.

5. Sri Muthukumaraswamy Devasthanam,
Sri Venugopal Chettiar Primary and Higher Secondary School,
Purasaiwalkam, Chennai - 600 112
Represented by its Correspondent.

6. Sri Muthukumarswamy Devasthanam Hindu Primary and
Higher Secondary School,
Park Town, Chennai - 600 003
Represented by its Correspondent.

7. Sri Muthukumarswamy Devasthanam Hindu Primary School,
Park Town, Chennai - 600 003
Represented by its Correspondent

8. Kannabiran - Padmavathy Ammal Primary School,
Otteri, Chennai - 600 012,
Represented by its Correspondent.

9. SMK Vidhyasharam (CBSE),
Kodungaiyur, Chennai - 600 118
Represented by its Correspondent.

10. P.K.Krishnamurthy
S/o.Kandasamy Chettiar,
No.11, Venkatesan Street,
Purasaiwalkam, Chennai - 600 007.

11. P.Ekambaram,
S/o. P.R.Palani Chettiar,
No.54, Kandappa Street,
Purasaiwalkkam, Chennai - 600 007.

12. R.Vivekanandan
S/o. P.Ramalingam,
No.62, First Floor, 11th Street,
V Block, Anna Nagar, Chennai - 600 040.

13. R.Lakshmanaswamy,
S/o.P.Ramalingam,
No.62, Ground Floor, 11th Street,
V Block, Anna Nagar,
Chennai - 600 040.

14. K.Elangovan,
S/o. Kuppusamy Chetty,
No.12, West Street,
Sriram Nagar, Alwarpet,

Chennai 600 018.

15. B.Arulmozhi,
D/o. Late P.Balasubramanian,
No.62, First Floor, 11th Street, V Block,
Anna Nagar, Chennai - 600 040.

16. P.E.Ramachandran,
S/o. P.Ekambaram,
No.54, Kandappa Street,
Purasaiwalkam, Chennai 600 007.

17. Sree Muthukumaraswamy Educational Society,
Represented by its President
No.212, Mint Street,
Chennai 600 003.

...Respondents 4 to 17/Defendants 2 to 17

Application praying that this Hon'ble Court be pleased to
condone the delay of 1109 days in filing the written statement in C.S.no:
837 of 2018 by the 1st defendant.

**WP.No.5293 of 2017 & WP.Nos.2301/2016, 3527/2014, 15026/2017,
15151/2014, 17599, 18068, 23560, 27522, 27681 & 27842 of 2014 , 28763,
29658 & 29659 of 2013, 30371 of 2015 & 34672 of 2013 &
WMP.Nos.16263 & 16264 of 2017:-**

G.GOPAL ... PETITIONER in WP No.28763 of 2013

M.ELANGO VAN ... PETITIONER in WP No.34672 of 2013

M.ELANGO VAN
S/O.P.R.MUNUSAMY ... PETITIONER in WP No.29658 of 2013

A.K.GURUNATHAN ... PETITIONER in WP No.29659 of 2013

MR.P.THILAK KUMAR ... PETITIONER in WP No.27842 of 2014

C.G.LAKSHMINARAYANA ... PETITIONER in WP No.17599 of 2014

S. GNANASEKAR ... PETITIONER in WP No.18068 of 2014

S.SURESH BABU ... PETITIONER in WP No.23560 of 2014

S.MUTHU ... PETITIONER in WP No.27681 of 2014

ABHINAV DHARMA SIVACHARIAR

DISCIPLES-CUM-AAYIRAM VAISYA BERI CHETTY

SANGAM REP.BY ITS SECRETARY,

K.M.VENKATESAN

155 RASAPPA CHETTY STREET MADRAS-3

... PETITIONER in WP No.15151 of 2014

M.ELANGO VAN ... PETITIONER in WP No.3527 of 2014

MR.K.S.RAVICHANDIRAN ... PETITIONER in WP No.27522 of 2014

K.NANDA KUMAR ... PETITIONER in WP No.30371 of 2015

S.MUTHU ... PETITIONER in WP No.2301 of 2016

1. MR.S.MUTHU

2. MR.P. TILAK KUMAR

3. MR.K.S. RAVICHANDIRAN

4. MR.L.KANDAVEL ... PETITIONERS in WP No.15026 of 2017

SRI MUTHUKUMARASAMY DEVASTHANAM

POPULARLY KNOWN AS KANTHAKOTTAM TEMPLE

REPRESENTED BY FIT PERSON/ASSISTANT COMMISSIONER

HR & CE DEPARTMENT

CHENNAI 600 003. ... PETITIONER in WP No.5293 of 2017

Vs.

1. THE STATE REP. BY ITS PRINCIPAL SECRETARY
TOURISM CULTURE AND RELIGIOUS ENDOWMENT
DEPARTMENT, SECRETARIAT CHENNAI-9

2. THE COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT
DEPARTMENT UTHAMAR GANDHI SALAI
NUNGAMBAKKAM CHENNAI-34

3. THE JOINT COMMISSIONER
(CHENNAI) HINDU RELIGIOUS AND CHARITABLE
ENDOWMENT DEPARTMENT UTHAMAR GANDHI SALAI
NUNGAMBAKKAM CHENNAI-34

4. S.MUTHU ... RESPONDENTS in WP No.28763 of 2013

- 1 THE PRINCIPAL SECRETARY TO GOVERNMENT
TOURISM CULTURE & RELIGIOUS ENDOWMENT DEPT
GOVT. OF TAMIL NADU FORT ST.
GEORGE MADRAS-9.
- 2 THE COMMISSIONER
HR & CE BOARD NUNGAMBAKKAM MADRAS-6.
- 3 THE JOINT COMMISSIONER
HR & CE BOARD NUNGAMBAKKAM MADRAS-6.
- 4 S.MUTHU
- 5 B.THILAK KUMAR
- 6 C.G.LAKSHMI NARAYANAN
- 7 P.EKAMBARAM
- 8 C.R.PALANIDASS (RESP. 4 TO 8
ARE ERSTWHILE TRUSTEES OF SREE
MUTHUKUMARASWAMY DEVASTHANAM RASAPPA CHETTY
STREET PARK TOWN MADRAS-3.
- 9 T.S. BALASUNDARAM
- 10 K. SENDIL VELLAN
R9 & R10 impleaded AS PER ORDER DT.
18.2.15 OF TSSJ IN MP.1&2/15 IN WP.34672/13.
... RESPONDENTS in WP No.34672 of 2013
1. THE COMMISSIONER
HINDU RELIGIOUS CHARITABLE & ENDOWMENT BOARD
NUNGAMBAKKAM CHENNAI-6
- 2 S.MUTHU SENIOR TRUSTEE
SREE MUTHUKUMARASWAMY DEVASTHANAM
RASAPPA CHETTY STREET, MADRAS-3
- 3 C.G.LAKSHMI NARAYANAN
TRUSTEE SREE MUTHUKUMARASWAMY
DEVASTHANAM,RASAPPA CHETTY STREET,MADRAS-3
- 4 B.THILAK KUMAR TRUSTEE
SREE MUTHUKUMARASWAMY DEVASTHANAM,

RASAPPA CHETTY STREET,MADRAS-3

... RESPONDENTS in WP Nos.29658 & 29659 of 2013

- 1 THE SECRETARY TO GOVERNMENT
TOURISM CULTURE AND RELIGIOUS ENDOWMENTS
FORT ST.GEORGE CHENNAI 9
- 2 THE COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS
UTTAMAR GANDHI ROAD NUNGAMBAKKAM CHENNAI 34
- 3 MS.P.VIJAYA/THE FIT PERSON
SREE MUTHUKUMARASAMY DEVASTHANAM POPULARLY
KNOWN AS KANDHA KOTTAM RASAPPA CHETTY STREET,
PARK TOWN,CHENNAI 3
- 4 THE JOINT COMMISIONER/ELECTION OFFICER
HINDU RELIGIOUS AND CHARITABLE
ENDOWMENTS SREE MUTHUKUMARASWAMY
DEVASTHANAM KNOWN AS KANDHA KOTTAM,
RASAPPA CHETTY ST PARK TOWN CHENNAI
... RESPONDENTS in WP No.27842 of 2014

- 1 THE STATE OF TAMILNADU
REP BY ITS SECRETARY HINDU RELIGIOUS AND
CHARITABLE ENDOWMENT FORT ST. GEORGE
CHENNAI 9
- 2 THE COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT
ADMINISTRATION DEPARTMENT NUNGAMBAKKAM
CHENNAI 34
- 3 THE JOINT COMMISSIONER/EXECUTIVE OFFICER
ARULMIGU KABALEESWARAR,
THIRUKOIL MYLAPORE CHENNAI 4
- 4 THE JOINT COMMISSIONER/
ELECTION OFFICER I/C MUTHUKUMARASWAMY
DEVASTHANAM (KANDAKOTTAM) NO.44 RASAPPA
CHETTY STREET CHENNAI 3
- 5 THIRU K.M.VENKATESAN

... RESPONDENTS in WP No.17599 of 2014

- 1 THE COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT
ADMINISTRATION DEPARTMENT NUNGAMBAKKAM
CHENNAI 34
- 2 THE JOINT COMMISSIONER/
EXECUTIVE OFFICER ARULMIGU KABALEESWAR
THIRUKOIL MYLAPORE CHENNAI 4
- 3 THE JOINT COMMISSIONER/
ELECTION OFFICER SRI MUTHUKUMARASWAMY
DEVASTHANAM (KANDAKOTTAM) NO.44 RASAPPA
CHETTY STREET CHENNAI 3
- 4 ABHINAV DHARMA SIVACHARIAR
DISCIPLES-CUM-AAYIRAM VAISYA BERI CHETTY
SANGAM 155 RASAPPA CHETTY STREET MADRAS-3
BY ITS SECRETARY M.K.VENKATESAN.
R-4 IMPEADED AS PER ORDER DT.18.2.15 IN MP.3/14
IN WP.18068/14.

... RESPONDENTS in WP No.18068 of 2014

- 1 THE SECRETARY TO GOVERNMENT
COMMERCIAL TAXES AND RELIGIOUS ENDOWMENTS
FORT ST. GEORGE CHENNAI-600 009.
- 2 THE COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS
UTTAMAR GANDHI ROAD NUNGAMBAKKAM
CHENNAI-600 034.
- 3 THE JOINT COMMISSIONER/ELECTION OFFICER
HR & CE SREE MUTHUKUMARASWAMY DEVASTHANAM
POPULARY KNOWN AS KANDHA KOTTAM
RASAPPA CHETTY ST. PARK TOWN CHENNAI-3.
- 4 K. SENDIL VELLAN
S/O.KUMARA GURU
NO.14/125 MURALI STREET
MAHALINGAPURAM CHENNAI-34.

(R-4 IMPEADED AS PER ORDER DT.18.2.15 IN MP.1/15
IN WP.23560/14

... RESPONDENTS in WP No.23560 of 2014

1 THE SECRETARY TO GOVERNMENT
COMMERCIAL TAXES AND RELIGIOUS AND ENDOWMENT
DEPARTMENT FORT ST. GEORGE CHENNAI-9

2 THE COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT
DEPARTMENT, UTHAMAR GANDHI ROAD
NUNGAMBAKKAM CHENNAI-34.

3 THE JOINT COMMISSIONER CUM ELECTION OFFICER,
HINDU RELIGIOUS & CHARITABLE ENDOWMENT DEPT
SRI MUTHUKUMARASAMY DEVASTHANAM,
RASAPPA CHETTY ST, PARK TOWN CHENNAI-3.

4 T.KAVERI, THE JT COMMISSIONER
CUM ELECTION OFFICER HINDU RELIGIOUS & CHARITABLE
ENDOWMENT DEPT SRI MUTHUKUMARASAMY
DEVASTHANAM, RASAPPA CHETTY ST, PARK TOWN CH-3.

... RESPONDENTS in WP No.27681 of 2014

1 THE ELECTION OFFICER
(JOINT COMMISSIONER OF HR & CE MADRAS 34)
SREE MUTHUKUMARASWAMY DEVASTHANAM,
PARK TOWN, MADRAS-600003

2 AYIRA VAISYAR TELEGU BERI
CONTD. VYSYA SABHA REP. BY ITS SECRETARY (REGN.1955)
NO.4 KALAPPACHARI STREET
CHENNAI-3.

(R2 IMPEADED AS PER THE ORDER OF THIS COURT
DATED 18.02.15 IN MP.NO.3/14 IN WP.NO.15151 OF 2014)

... RESPONDENTS in WP No.15151 of 2014

1 THE COMMISSIONER
HINDU RELIGIOUS & CHARITABLE ENDOWMENT
DEPARTMENT MADRAS-34

2 THE ELECTION OFFICER (JOINT

COMMISSIONER H.R. & C.E.) SREE
MUTHUKUMARASWAMY DEVBASTHANAM,PARK TOWN
MADRAS -3

... RESPONDENTS in WP No.3527 of 2014

- 1 THE SECRETARY TO GOVERNMENT
COMMERCIAL TAXES AND RELIGIOUS ENDOWMENTS
FORT ST.GEORGE CHENNAI 9
- 2 THE COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS
UTTAMAR GANDHI ROAD NUNGAMBAKKAM CHENNAI 34
- 3 THE JOINT COMMISIONER/ELECTION OFFICER
HINDU RELIGIOUS AND CHARITABLE
ENDOWMENTS SREE MUTHUKUMARASWAMY
DEVASTHANAM KNOWN AS KANDHA KOTTAM
RASAPPA CHETTY ST PARK TOWN CHENNAI

... RESPONDENTS in WP No.27522 of 2014

- 1 THE COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT
DEPARTMENT NUNGAMBAKKAM, CHENNAI-34.
- 2 THE JOINT COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE ENDOWMENT
DEPARTMENT NUNGAMBAKKAM, CHENNAI-34.
- 3 THE ELECTION OFFICER
(JOINT COMMISSIONER HR & CE) SRI
MUTHUKUMARASAMY DEVASTHANAM,PARK TOWN
CHENNAI-3. ... RESPONDENTS in WP No.30371 of 2015

- 1 THE SECRETARY TO GOVERNMENT
COMMERCIAL TAXES AND RELIGIOUS ENDOWMENTS
FORT ST. GEORGE CHENNAI 9
- 2 THE COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS
UTTAMAR GANDHI ROAD NUNGAMBAKKAM CHENNAI 34

- 3 MS.P. VIJAYA/THE FIT PERSON
SREE MUTHUKUMARASWAMY DEVASTHANAM POPULARLY
KNOWN AS KANDHA KOTTAM, RASAPPA CHETTY STREET,
PARK TOWN, CHENNAI 3
- 4 THE JOINT COMMISSIONER
HINDU RELIGIOUS & CHARITABLE ENDOWMENTS
UTTAMAR GANDHI ROAD NUNGAMBAKKAM CHENNAI 34
... RESPONDENTS in WP No.2301 of 2016
- 1 THE SECRETARY TO GOVERNMENT
COMMERCIAL TAXES AND RELIGIOUS ENDOWMENTS
FORT ST. GEORGE CHENNAI- 600 009.
- 2 THE COMMISSIONER
HINDU RELIGIOUS & CHARITABLE ENDOWMENTS
UTTAMAR GANDHI ROAD,
NUNGAMBAKKAM,CHENNAI - 600 034.
- 3 SREE MUTHUKUMARASWAMY
DEVASTHANAM POPULARLYLY KNOWN AS KANDHA
KOTTAM RASAPPA CHETTY STREET PARK TOWN
CHENNAI - 600 003.
- 4 THE JOINT COMMISSIONER
HINDU RELIGIOUS & CHARITABLE ENDOWMENTS
UTTAMAR GANDHI ROAD,
NUNGAMBAKKAM CHENNAI-600 034.
... RESPONDENTS in WP No.15026 of 2017
- 1 THE INSPECTOR GENERAL OF REGISTRATION,
DEPARTMENT OF REGISTRATION,
SANTHOME HIGH ROAD SANTHOME CHENNAI-28.
- 2 THE REGISTRAR OF SOCIETIES
(DISTRICT REGISTRAR)
NORTH CHENNAI DEPARTMENT OF REGISTRATION,
FIRST LINE BEACH ROAD CHENNAI-1.
- 3 SREE MUTHUKUMARASAMY
EDUCATIONAL SOCIETY REP. BY ITS PRESIDENT

P.EKAMBARAM HAVING ITS OFFICE AT NO.212
MINT STREET CHENNAI-3.

4 C.S. PARTHASARATHY
NO. A-4 BRINDAVAN APARTMENTS
NO. 6 BRINDAVAN STREET,MYLAPORE, CHENNAI 600004.

5 P. UVARAJA SUNDARAM
83 A SECOND MAIN ROAD VGP PART - 2
PALAVAKKAM CHENNAI 600041.
(R4 & R5 IMPEADED VIDE ORDER DT 26/04/2021
MADE IN WMP.18685/2020 IN WP.5293/2017)
... RESPONDENTS in WP No.5293 of 2017

Prayer in WP No.28763 of 2013:

Writ Petition filed under Article 226 of the Constitution of India
praying to Writ of Mandamus directing the 1st respondent to dispose of the
Miscellaneous Petition dated 25.4.2013 filed by the petitioner within the
time stipulated by this Court.

Prayer in WP No.34672 of 2013:

Writ Petition filed under Article 226 of the Constitution of India
praying to Writ of Mandamus To call for the records in G.O. Ms.No.131,
Tourism, Culture and Religious Endowment Department dated 30.11.2013
on the file of the 1st respondent and quash the same as ultra vires,
unconstitutional and against the terms of the Scheme Decree in C.S.No.117
of 1907 dated 12.1.1910 passed by this Honourable High Court, Madras and
against the spirit of the order passed by this Honourable Court in

W.P.Nos.4991, 6566, 16756 & 17847 of 2008 dated 4.8.2008 and 5.9.2008 and consequently direct the 2nd respondent to nominate an officer in the rank of Assistant Commissioner of HR. & CE Board to take care of the entire administration of the Devasthanam as an interim measure till the newly elected trustees take charge of the Devasthanam administration following the earlier precedents the order passed in W.P.Nos.4991, 6566, 16756 & 17847 of 2008 dated 04.08.2008 and 05.09.2008 and to hold election to the office of the Trustees of Sree Muthukumarasamy Devasthanam under the control and supervision of a Deputy Commissioner of HR and CE Board, Madras by allowing only persons of Aaiyaram Vaisya Berichetty community being disciples of Sree abhinav Dharma Sivachariar as per the certificate/Proof issued by the Sree Abhinav Dharama Sivachariar mattam, Chennai.

Prayer in WP No.29658 of 2013:

Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Mandamus directing the 1st respondent to conduct election to the office of the Trustees of the Sree Muthukumaraswamy Devasthanam, Rasappa Chetty Street, Madras-3, without the intervention of respondents 2 to 4 which is due to be held in December, 2013, after rejecting all bogus voters who do not satisfy the terms of the Scheme Decree passed in C.S.No.117 of 1907 dated 12.1.1910 by the Honourable High

Court, Madras, while taking action against the respondents 2 to 4 and all concerned, for violating and flouting the terms of the Scheme Decree in C.S.No. 117 of 1907 in the matter of wrongly registering persons as voters who do not belong to (Aaiyram Vaisya) Beri Chetty community and who are not the disciples of Sree abhinav Dharma Sivachariar, by considering the representation of the Petitioner dated 15.10.2013 as expeditiously as possible.

Prayer in WP No.29659 of 2013:

Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Mandamus directing the 1st respondent to conduct a thorough probe to find out as to the illegalities and misappropriation committed by respondents 2 to 3, in the matter of leasing/selling the proeprties of Sree Muthukumaraswamy Devasthanam without calling for tenders through News Papers as well as in the matter of entire receipts of Gold, Silver, Cash and other valuables received by the respondents 2 to 4 during the last two years, particularly during the recently concluded Kumbabishekam festival held in July 2013 without proper vouchers and to take action against all concerned, including the respondents 2 to 4 in the manner known to law and proceed against them all concerned for such illegal lease/sale of Devasthanam properties and for not bringing into account the entire receipt gold,silver and csh and other valubles received by

respondents 2 to 4 during the Kumbabishekam Festival held in July 2013 by considering the representation of the petitioner dated 15.10.2013.

Prayer in WP No.27842 of 2014:

Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Mandamus calling for the entire records of the 4th respondent in the order ref.Nil dated Nil affixed in the 3rd respondent temple on 10.10.2014 and quash the same thereby include the name of the petitioner to contest in the election for the Board of Trustees for 3rd respondent Temple Sree Muthukumaraswamy Devasthanam popularly known as Kandha Kottam, Rasappa Chetty Street, Park Town, Chennai 3 as claimed by the petitioner in his letter dated 11.10.2014.

Prayer in WP No.17599 of 2014:

Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Mandamus Calling for records relating to the 4th respondents impugned order made in Na. Ka. No.253/2013/1 dt 26.6.2014, to quash the same and to consequently direct the respondents 1 to 4 to treat the petitioner as belonging to Beri Chetty Community with all rights thereto.

Prayer in WP No.18068 of 2014:

Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Mandamus calling for records relating to the order of the

3rd respondent made in Na. Ka. No.253/2013-2 dt 26.6.2014, quash the same and consequently direct the respondents to accept the 256 members as annexed to the application for enrolment.

Prayer in WP No.23560 of 2014:

Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Mandamus Directing the 2nd and the 3rd respondent to conduct the Elections to the Board of Trustees for the Sree Muthukumaraswamy Devasthanam Popularly known as Kandha Kottam, Rasappa Chetty St., Park Town, Chennai-600 003 and announce the result in the time bound period so as to enable Ayira Vaisya Beri Chetty Community to continue to administer the temple as per the scheme formulated by the Honourable High Court in C.S.No.117 of 1907 dated 12.01.1910 and 25.01.1921 and for other reliefs as claimed by the petitioner in his representation dated 09.08.2014.

Prayer in WP No.27681 of 2014:

Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Mandamus Calling for the entire records of the 2nd respondent made in proceedings in SE.MU. NA.KA. No.24877/ 2013, A1 dated 20.12.2013 and consequential Election Notification issued by the 3rd respondent in the Order Ref. NIL dated NIL and the publication of the Final

List of candidates dated NIL affixed on the temple Wall on 10.10.2014 and quash the same and consequently appoint a retired Judge of this Honourable Court to conduct the election for the Board of Trustees for 3rd respondent Temple Sri Muthukumarasamy Devasthanam popularly known as Kandha Kottam, Rasappa Chetty Street, Park Town, Chennai-3.

Prayer in WP No.15151 of 2014:

Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Mandamus forbearing the respondent from acting contrary to the terms of the scheme Decree passed by this Honourable Court in C.S.No.117 of 1907 dated 12.1.1910, and from acting contrary to the Notification dated 14.1.2014 in connection with the preparation of Voters List, for the election to the office of the Trustees of Sree Muthukumaraswamy Devasthanam, Park Town, Madras-600003, issued by the respondent in the matter of entertaining/ registering persons as voters not belonging to Aaiyram Vaisya Beri Chety Community and not being the disciples of Abhinav Dharma Sivachariar, and consequently directing the respondent to delete voters not belonging to Aayiram Vaisya Berichetty and not producing proof from Abinav Dharma Sivachariar Madam, the extence and functioning of which have been duly recognised by this Hon'ble High Court in C.S.NO.376 of 1883 dated 03.02.1983 to show the they are disciplis as approved by respondent in Publishing voters list of 2014 of

Abinav Dharma Sivachariar.

Prayer in WP No.3527 of 2014:

Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Mandamus forbearing the 2nd respondent from conducting election to elect the Trustees of Sree Muthu Kumaraswamy Devasthanam, Park Town, Madras-3, on the basis of two different Election Notifications dated 14.1.2014 and 23.1.2014 with different contents, contrary to the Scheme Decree in C.S.No.117 of 1907 dated 12.1.1910 and contrary to the judgment in C.S.No.376 of 1883 dated 3.2.1893 passed by the Honourable High Court, Madras by entertaining bogus voters, not belonging to Aaiyram Vaisya Beri Chetty Community and not producing written proof from Abhinav Dharma Sivachariar Madam, Katchaleeswarar Agraharam, Madras to show that every voter is a disciple of Abhinav Dharma Sivachariar and by directing the 2nd respondent to conduct election to election Trustees of Sree Muthukumaraswamy Devasthanam with a Written proof from Abhinav Dharma Sivahariar madam belonging to Aayiram viasya Berichetty Community.

Prayer in WP No.27522 of 2014:

Writ Petition filed under Article 226 of the Constitution of India

praying to Writ of Mandamus calling for the entire records of the 3rd respondent in the order ref.Nil dated Nil affixed in the 3rd respondent temple on 10.10.2014 and quash the same thereby include the name of the petitioner to contest in the election for the Board of Trustees for 3rd respondent Temple Sree Muthukumaraswamy Devasthanam popularly known as Kandha Kottam, Rasappa Chetty Street, Park Town, Chennai 3 as claimed by the petitioner in his letter dated 12.10.2014.

Prayer in WP No.30371 of 2015:

Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Mandamus To call for the records in suo moto proceedings in O.A. No.3 of 1999 dated 5.3.1999 initiated by the 2nd respondent about 16 years back and still pending on the file of the 2nd respondent as against the dead persons and as against the non-existing trustees of Sri Muthukumaraswamy Devasthanam, Rasappa Chetty Street, Park Town, Madras-3 and quash the same as it has become infructuous, non-est in the eye of law and that the said suo moto proceedings has become lapsed by passage of time and consequently direct the 3rd respondent (Election Officer) to conduct the election strictly in terms of the Election Notification dated 14.1.2014 and as per the list of eligible contestants as published by Election Officer to contest for the election to the office of the

Trustees of Sri Muthukumaraswamy Devasthanam, and Strictly in terms of the scheme Decree framed by this Hon'ble Court in C.S.NO.117 of 1907 dated 12.01.1910 and entrust the management of the Muthukumaraswamy Devasthanam to the newly elected Trustees, as the elected Trustees alone are entitled to manage and maintain the affairs of Sri Muthukumarasamy Devasthanam.

Prayer in WP No.2301 of 2016:

Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Mandamus Calling for the entire records pertaining to A.P. No.4 and 5 of 2006 dt 11.1.2011 passed by the 2nd respondent not duly served confirming the order passed in the Preliminary Order in Suo Moto O.A. No.3 of 1999/C1 dt 14.12.2005 passed by the 4th respondent and quash the same in view of the Scheme Degree passed in C.S. No.117 of 1907 dt 12.1.1910 and Judgement in O.S. A. No.108 of 1987 dt 21.2.1994 as illegal.

Prayer in WP No.15026 of 2017:

Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Mandamus calling for the entire records pertaining to the order in Ref. No. 30979/2016/L5/26.5.2017 signed on 29.5.2017 and affixed on 2.6.2017 in the notice board of Sri Muthukumarasamy Devasthanam @ Kandha Kottam and quash the same thereby administer the

3rd respondent Temple as per the Scheme Decree passed in C.S. No.117 of 1907 dt 12.1.1990 and 25.10.1990.

Prayer in WP No.5293 of 2017:

Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Mandamus Calling for the records comprised in Proceedings No.2104/E/2008 dated 25.3.2010, merging Sri Muthukumarasamy Devasthanam Educational Society with Registration No.319/79 with Sree Muthukumarasamy Educational Society with Registration No.338/08 on the file of the second respondent, quash the same and consequently direct the third respondent society to handover the Management, Administration as well as the properties of the Educational Institutions to the petitioner Temple Administration.

These Applications along with Civil Suit and W.P.Nos.28763, 29658, 29659, 34672 of 2013, 15151, 18068, 17599, 23560, 27522, 27681, 27842, 3527 of 2014, 30371 of 2015, 2301 of 2016, and 15026, 5293 of 2017 and WMP.Nos.16263 and 16264 of 2017 coming on this day before this court for hearing **the court made the following order:-**

Only D1. D2. D6, D10, D13 and D15 have filed their written statements as on date.

2.A.Nos.1222 & 1223 of 2022 for condonation of delay are ordered.

3.Written statements, if filed by 25.03.2022, will be taken on file with costs of Rs.1000/- each to the Cancer Institute, Adyar, Chennai-600 020, failing which they will be set exparte.

4.Memo of D9 to the effect that the party is no longer a trustee and reporting no instructions is taken on file.

5.In light of specific allegation at paragraphs 5 and 6 of the memo dated 18.03.2022 filed by the 3rd respondent to the effect that despite directions of this Court, there are no effective steps being taken by the Registrar or response to notices issued by the learned Judge Commissioner, let instructions be taken on this aspect.

6.List for framing of issues on 21.04.2022. Let the parties circulate the draft issues by then. Registry is directed to print the name of Mr.Edwin Prabakaran, learned counsel for Registrar of Societies.

Sd/-A.S.M.J.
18.03.2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.