



C.R.P. No. 556 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2023

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

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1. Nagarajan,

2. Karthik,

... Petitioners

Vs.

1. Vijayan
2. Raghunathan
3. Srikanthamkangupillai
4. Perumal
5. Mohan Vellalar Reddy
6. Natarajan
7. Narayanan
8. Padmanaban
9. Damodharan
10. Siva
11. Chittibabu
12. Konthandam
13. Nagavelu
14. Viswanathan
15. Sampath
16. Pandu
17. Madhu Reddy
18. Purushothaman



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19. Moorthy reddy
20. Sekar
21. Jayachandran
22. Ramamoorthy reddy
23. Nathan
24. Govindan
25. Hari Nagayya
26. Saravanan
27. Ramesh
28. Hemanathan
29. Rajesh,
30. Venugopal

.. Respondents

PRAYER : Civil Revision Petition filed under Art. 227 of Constitution of India, to direct the District Munsif Court, Pallipattu to number the suit filed in F.No.133 of 2022, CNR No. TNTR180009892022 without further returning the plaint.

For Petitioner : Mr. C.Harish

ORDER

Challenging the impugned order passed by the trial judge before numbering the suit, the plaintiff filed this Civil Revision Petition.



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2. Mr.C.Harish, learned counsel for Revision Petitioners would submit that they have filed a suit against the defendants praying the relief of mandatory injunction directing the defendants to restore the plaintiffs as Poojaris of the Srikundhiamman and Olakundhiamman temples situated at Punniyam Village, Thiruvallur District. The said suit was returned by the trial judge stating that no document was produced to show that the plaintiffs are hereditary poojaris and also returned the same for the reason that it is pertaining to the service of temple, as such, is not maintainable.

3. Since the relief is claimed against the trial judge, notices to the respondents are dispensed with.

4. On seeing the plaint averment, it reveals that the plaintiffs claimed themselves as hereditary poojaris of Srikundhiamman and Olakundhiamman temples and there is a hundial kept in that temple. As per the contentions in the plaint, the defendants 1 to 30 have removed the plaintiffs from the post of Poojaris of the temple. So, they have filed a suit to restore them as Poojaris by way of mandatory injunction. To prove their identity as Poojaris, the



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plaintiffs have also produced their identity cards as one of the document. As per the list of documents submitted by the plaintiffs would prima facie shows that they have having sufficient materials to file a suit and it is only for conducting poojas in the temple, as such, the suit is maintainable before the trial court and the Civil Court alone is empowered to grant mandatory injunction. But the trial judge without numbering the plaint returned the same, as such, it is totally erroneous one. Accordingly, this Civil Revision Petition is disposed of and the trial judge is directed to take the plaint on file within a period of two weeks from the date of receipt of copy of this order. Further, the original plaint is ordered to be returned to the plaintiffs within a period of one week. No costs.

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Index : Yes / No
Internet : Yes / No
Speaking/Non-speaking order
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To

District Munsif,
Pallipattu.

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T.V.THAMILSELVI, J.

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