



O.A.No.39 of 2024
in C.S.No.1014 of 2008

Reserved on: 19.06.2024

Pronounced on: 28.06.2024

P.B.BALAJI, J.

This application has been taken out by the 6th plaintiff seeking an interim injunction to restrain the respondents from installing the idol of “Phalodi Ratna Param Puja Athyatmayogi Archarya Bhagawant Sri Vijay Kalpurnasurishwarji Maharaj Saheb” at the 1st respondent temple, pending disposal of the suit.

2.I have heard Mr.Pramod Kumar Chopra, learned Senior Counsel for Mr.Rahul Balaji, learned counsel appearing for the applicant/6th plaintiff and Mr.P.Sunil for the contesting respondents 2 to 8 and Mrs.P.T.Ramadevi learned Standing Counsel for the 9th respondent/Greater Chennai Corporation.

3.According to the learned Senior Counsel appearing for the applicant, the suit has been filed for framing a scheme for managing and administering the 1st respondent temple, being run by a public Trust and consequently, to appoint a Board of Trustees for the 1st respondent temple and with a direction to the respondents to handover the charge of the affairs of the temple to the Board of Trustees to be constituted by this court.



4.The learned Senior Counsel would submit that the contesting respondents are taking steps to install an idol in the 1st respondent's temple and according to him, it would change the very character of the 1st respondent's temple. Moreover, the construction being put up is without obtaining any requisite permission from the statutory authorities. He would further submit that the proposed installation of the idol was also violative of the Place of Worship under (Special Provisions) Act,1991.

5.The learned Senior Counsel would also submit that the present management committee was appointed only on an adhoc basis, on 10.07.2005, till such time a regular trust was formed. Conveniently, the committee is continuing to manage the affairs of the temple for the past 18 years, without conducting elections, pending the suit, which is in a part heard stage. He further submits that if the construction of the temple is allowed, it would seriously prejudice the rights of the plaintiffs. He would therefore submit that all the ingredients of an interim injunction are made out namely, prima facie case, balance of convenience and also irreparable hardships. He would therefore seek for an interim injunction as prayed for.



6.Per contra, Mr.Sunil, learned counsel appearing for the contesting respondents 2 to 8 would submit that the construction being put up is occupying a very small area of about 450 sq. ft., and according to him, no prior permission from any statutory authority is required for putting up such construction. He would also submit that no prejudice would be caused if the temple is constructed and the idol, as planned is installed since admittedly the idol which is proposed to be installed belongs to a Jain Monk and the members of the same family have also not objected for such construction of temple and installation of the idol. He would further submit that the present application is filed with an ulterior motive of thwarting the Committee from functioning. He would therefore pray for dismissal of the application.

7.The 9th respondent/the Greater Chennai Corporation was called upon to file a status report and in compliance with the same, they have filed a status report dated 12.06.2024. According to the said status report, it is seen that the officials of the 9th respondent have inspected the premises on 10.06.2024 and found recent construction made without obtaining valid planning permission under Section 49 of the Tamilnadu Town and Country Planning Act,1971 and they have also noted that no idol of the statue has been installed and photographs of the same have also been enclosed with the



status report. It is also set out in the status report that since the construction is unauthorised, a lock and seal notice dated 11.06.2024 has also been issued to the respondents 1 and 2 in terms of Sections 56 and 57 Tamil Nadu Town and Country Planning Act, 1971.

8. I have carefully considered the rival submissions advanced by the parties.

9. Admittedly, the 1st respondent temple is presently being managed by a Committee and a suit has been filed under Section 92 of the Code of Civil Procedure for framing a scheme for proper management and administration of the 1st respondent temple. The 1st respondent temple was consecrated for the first time in the year 1896 and is admittedly one of the most ancient Jain temples in the city of Chennai. It is also an admitted position that the interim Committee was appointed on 10.07.2005 and it continues to administer the temple and the suit is also in a part heard stage. At this juncture, without obtaining prior permission of the statutory authorities or this court, the contesting respondents are attempting to install the idol of “Phalodi Ratna Param Puja Athyatmayogi Archarya Bhagawant Sri Vijay Kalpurnasurishwarji Maharaj Saheb” at the temple premises.



10.The issue regarding management and administration of the temple is at large before this Court in the suit which is admittedly in the trial stage. According to the applicant, if the said idol is allowed to be installed, it would change the complete belief and philosophy of Seth Kaluram Ratanlajil Maloo family and in any event, the construction admittedly being put up is without any prior permission from the Greater Chennai Corporation or the CMDA.

11.This court, by interim orders, has already granted an order of status quo restraining the respondents from proceeding further with the construction or installation of the idol. The said interim order continues till date.

12.Though it is submitted by the learned counsel for the contesting respondents that no prejudice would be caused to any of the plaintiffs or the Jain community at large, if the construction is allowed to be completed and the idol is installed, since admittedly the idol sought to be installed is of a very popular Jain Monk, if such a construction is permitted, would in fact open the Pandora's Box and every sub-sect of the Jain community would come forward with a similar proposal of installing idols



of their respective religious heads / monks by constructing new temples within the premises. The court is seized of the issue in the scheme suit and pending final adjudication in the suit by framing a proper scheme for the management and administration of the 1st respondent temple, it would not be in the interest of any of the parties to permit such new construction and installation of idols which admittedly would lead to controversy and hinder the progress of the suit itself by forcing parties to the suit to litigate on sub issues and thereby direct the main purport of the scheme suit itself.

13.I am therefore of the considered opinion that a *prima facie* case has been made out for grant of an interim injunction to restrain the respondents as prayed for, from installing the idol of “Phalodi Ratna Param Pujya Athyatmayogi Archarya Bhagawant Sri Vijay Kalpurnasurishwarji Maharaj Saheb” at the 1st respondent temple, pending disposal of the above scheme suit. The balance of convenience is also in favour of grant of an interim injunction, which if not granted would cause serious and irreparable hardships to the applicant. This application is allowed and there shall be an order of interim injunction, pending disposal of the suit as prayed for.

28.06.2024

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