



CRP.No.2014 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Order reserved on : 30.06.2025

Order pronounced on : 28.07.2025

CORAM

THE HON'BLE MR. JUSTICE P.B.BALAJI

CRP.No.2014 of 2025
& CMP.No.11613 of 2025

R.Venkataraman

..Petitioner

Vs.

1.Sri Arthanareeswarar Baktha Samajam Trust,
having registered No.27/1970 represented by
Trustee, N.Ganesan and P.Ganesh
registered office at No.31, IV Main Road,
Nanganallur, Chennai – 600 061.

2.R.Hari
3.P.Ramesh
4.S.Periandavar
5.S.Platinum

..Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order of the Principal District Munsif Court, Alandur dated 21.01.2025 in I.A.No.8 of 2023 in O.S.No.523 of 2022.

For Petitioner : Mr.K.Senthil Kumar

For Respondents : Mr.M.P.John Peter for R1
Mr.A.P.Pasupathy for RR2 to 5



CRP.No.2014 of 2025

ORDER

The 1st defendant, aggrieved by the order of the Trial Court in I.A.No.8 of 2023 in O.S.No.523 of 2022 on the file of the Principal District Munsif Court, Alandur, has come up with the present revision petition.

2.I have heard Mr.K.Senthil Kumar, learned counsel for the petitioner, Mr.M.P.John Peter, learned counsel for the 1st respondent/Trust and Mr.A.P.Pasupathy, learned counsel for the respondents 2 to 5.

3.The suit has been filed by the 1st respondent herein for the relief of permanent injunction to restrain the revision petitioner and the respondents 2 to 5, in any manner, misusing and unlawfully interfering with the peaceful possession, enjoyment and functioning of the public temple of Lord Siva, namely Sri Arulmigu Arthanareeswarar Temple (herein after called as Temple), situate in a Government poramboke land, comprised in SF.No.32, Nanganallur Village, Chennai and for other consequential reliefs. Pending the said suit, the petitioner took out an application under Order VII Rule 11 of CPC to reject the plaint on the grounds that there was no cause of action for the suit, the suit was barred by law and the plaintiff had no locus to file the suit. The said application was resisted by the 1st respondent/plaintiff and on enquiry, the Trial Court has dismissed the application for rejection of the plaint, as against which, the said



CRP.No.2014 of 2025

defendants are before this Court by way of the present revision.

WEB COPY

4.The learned counsel for the revision petitioner would state that under the guise of the relief in the suit, the plaintiff was attempting to prevent worship of devotees. He would further state that the relief is contrary to the Tamil Nadu Temple Entry Authorization and Identity Act, 1947. He would further state that without seeking a relief of declaration, the suit for bare injunction was not maintainable and hit by the provisions of the Specific Relief Act. He would also invite my attention to the cause of action paragraph, that has been disclosed in the plaint, besides objects of the Trust Deed which is also available in the typed set of papers.

5.The learned counsel for the petitioner would further contend that admittedly, the lands are belonging to the Government and the Temple has been constructed on the said lands and when there was a Society existing and also duly registered even in the year 1970, a Trust Deed has been formed in the year 2020, attempting to take over the entire administration of the Temple, which is contrary to the objects of the Society that was formed in the year 1970. He would also state that the Temple is a public Temple and there can be no relief that the public should not worship or conduct prayers. He would further contend



that the plaintiff has no personal interest in the matter and viewing from all these angles, the suit was not maintainable and is liable to be rejected. However, the Trial Court lightly brushed aside serious defects that have been pointed out on the side of the 1st defendant, by erroneously proceeding to dismiss the application for rejection of the plaint.

6.In support of his contention, the learned counsel for the revision petitioner has placed reliance on the following decisions:

1.T.Arivanandam Vs. T.V.Satyapal and Another (1977 (4) SCC 467).

2.Church of Christ Charitable Trust and Educational Charitable Society, Represented by its Chairman Vs. Ponniannan Educational Trust, Represented by its Chairperson/Managing Trustee ((2012) 8 SCC 706).

3. Dahiben Vs. Arvindbhai Kalyanji Bhanusali (Gajra) Dead through Legal Representatives and Others (2020 (7) SCC 366).

4.Dr.L.Ramachandran and Another Vs. K.Ramesh & Others (2020 (7) L.W. 585).

5.Raghwendra Sharan Singh Vs. Ram Prasanna Singh (Dead) by Legal Representatives(2020 (16) SCC 601).

6.K.Abkar Ali Vs. K.Umar Khan and Others (2021 (14) SCC 51).

7.Sree Surya Developers and Promoters Vs. N.Sailesh Prasad and Others (2022 (5) SCC 736).

8.Ramisetty Venkatanna and Another Vs. Nasyam Jamal Saheb and Others (2023 SCC Online SC 521).

9.Correspondence, RBANMS Educational Institution Vs. B.Gunashekar and Another (2025 SCC Online SC 793).

7.Per contra, the learned counsel for the 1st respondent/plaintiff would



submit that the plaintiffs are claiming to be the Trustees of Sri Arthanareeswarar Baktha Samajam Trust, which was registered as a Society in the year 1970 itself, whereas in the plaint, the relief of permanent injunction has been sought for to restrain the defendants from misusing and unlawfully interfering with the peaceful possession, enjoyment and functioning of the suit schedule mentioned Temple by the plaintiff/Trust and the suit clearly discloses a cause of action and the Trial Court has rightly dismissed the application filed by the petitioner, upholding the maintainability of the suit.

8.The learned counsel for the respondents would refer to the cause of action in the suit has arisen due to the interference and trespass attempted by the revision petitioner, in respect of which, police complaints have also been lodged. He would therefore state that the cause of action is live, present and also substantiated. He would further state that the petitioner has not made out any case to establish that there is a bar of the plaint under any law that has arisen from the reading of the plaint itself. He would state that the 1st defendant is only placing reliance on the written statement and other documents which cannot be looked into while deciding the application under Order VII Rule 11 of CPC. He would further state that in the plaint, the objections that are raised by the petitioner/1st defendant involved not only disputed question of facts but also the



mixed question of law and fact, which cannot be the basis for rejecting a plaint under Order VII Rule 11 of CPC. He would therefore pray for dismissal of the suit.

9. In support of his contention, the learned counsel for the 1st respondent has relied on the following decisions:

1. *Vinod Infra Developers Limited Vs. Mahaveer Lunia and Others* (2025 (3) RCR (Civil) 165).
2. *Ghat Talab Kaulan Wala Vs. Baba Gopal Dass Chela Surti Dass (Dead) by Lr Ram Niwas* (2020 (13) SCC 50).
3. *B.C. Wilson Vajjiram Vs. The National Missionary Society of India and Others* (2022 (8) MLJ 476).
4. *Dr. Narasimhalu Nandini and Another Vs. Janatha Trust, A Charitable Trust and Others* (NC: 2023: KHC-K:1220).
5. *Gandhi Sewa Shikshan Samiti Vs. Gulam Hussain Welji* (Manu/MH/0167/1961).

10. He would also place reliance on the judgment of the District Munsif Court, Poonamallee, in O.S.No.204 of 1983 dated 06.02.1990, where an earlier suit, rejecting similar defence, came to be decreed in favour of the plaintiff.

11. I have carefully considered the submissions advanced by the learned counsel on either side. I have also gone through the plaint, which is sought to be rejected under Order VII Rule 11 of CPC.



WEB COPY

12.The primordial contention of the revision petitioner is that the Temple is a public temple, the idol having been discovered in a local pond in the year 1965. Admittedly, the temple stands on sarkar poramboke land. As early as in the year 1970, the plaintiffs, signatories to the present plaint formed a registered Society, under the name and style of Sri Arthanareeswarar Baktha Samajam Trust. The Registration Certificate dated 30.01.1970 is also filed along with the plaint.

13.It is the contention of the 1st defendant that the suit Society had become defunct in the year 1978 and its registration was revoked by the Registrar of Societies and having become defunct and also removed from the Registrar of Societies on 26.09.1979, the plaintiff/Trust is non-est in law and cannot maintain a suit. It is also contended by the petitioner/1st defendant that no one can claim exclusive right over the land which is belonging to the Government. On these grounds, the plaint was sought to be rejected.

14.The said application for rejection of plaint was resisted by the 1st respondent/plaintiff stating that the plaintiff/Trust has been administering the temple for the past several years and the plaintiff has been submitting income



tax returns in its name, besides also having service connections in its name for public utility services like electricity, etc,. It is also contended by the 1st respondent/plaintiff that the DRO, by proceedings dated 15.05.1980, had permitted the temple authorities, namely the plaintiff/Trust to put up a compound wall.

15.Reliance is also placed on the earlier judgment of the District Munsif Court, Poonamallee in O.S.No.204 of 1983 dated 06.02.1990, where the right of the plaintiff/Trust was upheld. In short, the plaintiff contended that no case was made out for rejection of plaint under any of the limbs of Order VII Rule 11 of CPC and it was a matter for trial.

16.The Trial Court proceeded to hold that the petitioner/1st defendant had not made out a case for rejection of the plaint and the parties will have to necessarily undergo trial. The petitioner has relied on the decisions of the Hon'ble Supreme Court, where it has been held that if the Trial Court finds from a meaningful and not formal reading of the plaint that the plaint is manifestly vexatious and meritless and does not disclose a clear right to sue or when limitations stares at the face of the plaintiff even from the reading of the plaint, or when a plaint does not disclose the cause of action or is shown to be barred

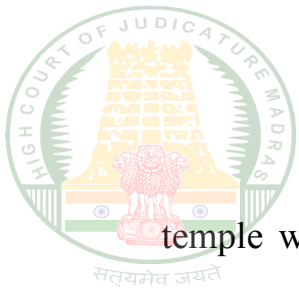


by any law, then the plaint can be rejected. General principles regarding power of the Court to reject the plaint invoking the provisions under Order VII Rule 11 of CPC have been set out and discussed elaborately in the various judgments that have been relied on by the learned counsel for the petitioner.

17.Insofar as the decisions that have been relied on by the learned counsel for the 1st respondent, the Courts have held that if the Court finds that parties will have to necessarily go through the process of trial, before the issues can be adjudicated and on a reading of the plaint, no case is made out for rejection of the plaint, then the provisions of Order VII Rule 11 of CPC cannot be invoked.

18.It is settled law that while deciding an application under Order VII Rule 11 of CPC, the Court can be guided only by the plaint averments and allegations and documents that have been relied on in support of the plaint. Either the defence raised by the defendant or any other evidence that is not part of the plaint and suit documents cannot form the basis of an order rejecting the plaint.

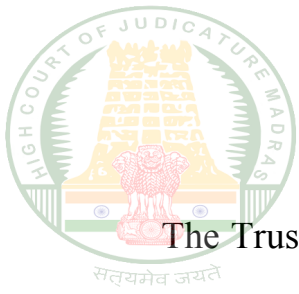
19.In this backdrop, assessing the plaint as it has been filed before the Trial Court, it is the case of the plaintiff that the plaintiff/Trust was registered in 1970 and even in May 1990, vide proceedings of DRO, the existence of the



temple was found and recommendation was made for transfer of land to the temple which had been classified as pond poramboke. The plaintiff/Trust was also permitted to put up a compound wall to prevent misuse by others. It is also stated that the plaintiff/Trust was functioning under the teeth of an unregistered deed of trust dated 02.10.1998 and enjoys electricity service connection as well as land-line telephone connection.

20.It is also contended that the municipality has also provided water connection to the temple. It is also claimed that on 02.02.2004, the plaintiff/Trust performed consecration ceremony for the Temple. While so, the defendants 2 to 5, who are in no way connected to the plaintiff/Trust, under the guise of being disciples, entered the temple premises and shouted slogans in an unpleasant manner and caused disturbances and interferences to the peaceful functioning of the temple. The plaintiffs have also lodged a police complaint immediately there upon and in order to restrain the said defendants from causing any interference alone, the suit has been filed.

21.The Declaration of Trust dated 30.12.2020 is also available in the typed set of papers. The objects of the Trust are true, own, develop, renovate, manage and maintain the Temple and organize poojas, prayers and bajans, etc.,



CRP.No.2014 of 2025

The Trust deed also mentions that Trust has been functioning from 02.10.1998, as a Public Religious and Charitable Trust. Along with the plaint, documents are also filed to show that the Trust is assessed to income tax and has also been provided with telephone connections and electricity service lines, in its name. The invitation dated 02.02.2004 also evidences that the plaintiff has taken a prominent role in performance of the consecration of the temple in the year 2004.

22.While being so, it cannot be contended at this threshold, the suit is barred under provisions of Specific Relief Act and a relief of permanent injunction without the prayer for declaration, is not maintainable. These are questions that are matters for trial and the Trial Court can only decide whether the relief of declaration was necessary or not, after assessing the oral and documentary evidence that the parties may adduce.

23.Even insofar as the question of limitation or locus, all these issues involve mixed questions of fact and law and therefore, by no stretch of imagination, the plaint can be rejected in a summary manner. The Trial Court has rightly dismissed the application. It is not a plaint which can be thrown out



CRP.No.2014 of 2025

on the ground that ex-facie it does not disclose any cause of action or that it is barred by law, namely the provisions of Specific Relief Act and Limitation Act.

Therefore, I do not find any illegality or perversity in the findings arrived at by the Trial Court in this regard.

24.In fine, the Civil Revision Petition is dismissed. There shall be no order as to costs. Connected Civil Miscellaneous Petition is closed.

28.07.2025

Speaking/Non-speaking order

Index : Yes/No

ata

To

The Principal District Munsif Court, Alandur.

12/14



WEB COPY



CRP.No.2014 of 2025

P.B.BALAJI.J.

ata



WEB COPY



CRP.No.2014 of 2025

Pre-delivery order made in
CRP.No.2014 of 2025
& CMP.No.11613 of 2025

28.07.2025