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IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 09.07.2025

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.No.2089 of 2025
and CMP. Nos.12189 of 2025

The Madras Collectorate Colony,
Resident's Welfare Association,
Regn. No.248/1972,
Rep. By its President
Shanugavalli Sekar

... Petitioner

Vs.

1.Collectorate Colony, V.O.C. Colony and
Part of Ayyavoo Colony Residents Welfare Association,
Rep. By its Secretary K.Perumal
2.Mr.G.Bharathan
3.Mr.K.Subramanian

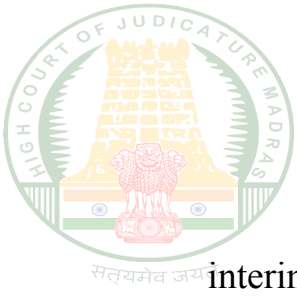
... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order dated 30.04.2025 passed in I.A. No.2 of 2025 in CMA. No.17 of 2025 by the learned Principal City Civil Court, Chennai (Now made over to XXII Additional City Civil Court, Chennai)

For Petitioner : Mr.E.Ganesh
for Ms.G.Jaya Shruthi

For Respondents : Mr.J.Srinivasa Mohan for R2
No Appearance for R1 & R3

ORDER



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The revision has been preferred challenging the order of exparte interim stay granted by the learned Principal Judge, City Civil Court, Chennai in I.A. No.2 of 2025 in CMA. No.17 of 2025.

2. After hearing the parties, I am of the considered opinion that the petitioner without approaching the First Appellate Court has directly sought for interference under Article 227 of the Constitution of India. The petitioner has an efficacious and effective remedy available for vacating the interim stay granted by the First Appellate Court.

3. In the light of the above, the appellant is given liberty to approach the 22nd Additional Court seeking to vacate the exparte order of injunction granted. The revision petitioner shall file his counter within a period of one week from the date of receipt of the copy of the order and thereafter, within a period of two weeks, the stay Application shall be decided on merits and in accordance with law. It is also made clear that status quo as on date shall prevail.

4. The learned counsel for the petitioner states that renovation



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activities are going on in the temple premises and he has also produced photographs to substantiate the same. However, the learned counsel for the respondents states that the petitioner Association has no locus and they are not entitled to put up any construction in the temple premises. The photographs taken yesterday are also produced.

5. It is also brought to my notice, only pursuant of the interim stay granted by this Court, renovation activity had re-commenced. In the light of the above, the learned counsel Mr.Ganesh, would also fairly undertake that in the event of ultimately not succeeding before the Court, in the injunction application which is being tested by the First Appellate Court in CMA. No.17 of 2025, the petitioner will not claim any equity for the construction and renovation that is already put up/made as on date.

6. The First Appellate Court shall decide the injunction Application on its own merits, without being influenced by any of the observations made by this Court or by the concession shown by the revision petitioner, which is only in the interest of the Temple and not the parties who are claiming right to administer the temple.

P.B.BALAJI.J.,



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7. In fine, this Civil Revision Petition is disposed of. Connected

Miscellaneous is also closed. No costs.

09.07.2025

Speaking/Non-speaking : Yes/No

Index : Yes / No

rkp

To

1. The Judge, Principal City Civil Court, Chennai

2. The Judge, XXII Additional City Civil Court, Chennai.

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