



C.R.P.No. 2612 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2025

CORAM :

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

C.R.P.No. 2612 of 2025

and

C.M.P.No. 14770 of 2025

Arulmigu Parasuramalingeswar Temple
Religious and Public Charitable Trust,
Rep. By its Founder Trustees
N.Purushothaman, D.Gunasekaran,
No.4/18, P.E.Koil Tank Street,
Ayanavaram, Chennai – 23.

.. Petitioner

VS

1.R.Selvaraj

2.The Commissioner,
Hindu Religious and Charitable Endowment,
Administration Department,
119, Uttamar Gandhi Road,
Chennai – 600 034.

3.Arulmigu Parasuramalingeswar
Public Charitable Trust,
Rep. By D.Vijayan,
No.1, P.E.Koil Tank Street,
Ayanavaram, Chennai – 23.

.. Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the fair and decreetal order dated 22.04.2025 made in I.A.No. 7 of 2024 in O.S.No. 4539 of 2019 on the file of XIII Assistant City Civil Judge, Chennai.



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For Petitioner : Mr.M.Muthappan
For Respondents : Ms.M.Madura G Ramesh for R1
Mr.A.Anandan,
Government Advocate for R2
Mr.M.C.Swamy, for R3

ORDER

This Civil Revision Petition is filed challenging the order passed by the court below, allowing the application filed by the first respondent seeking his impleadment in a suit filed by the petitioner.

2. The petitioner herein filed a suit seeking a declaration that the petitioner Trust is the original trust entitled for appointment as Trustee for the administration of the Arulmigu Parasuramalingeswar Temple as per the scheme framed under the provisions of the Tamil Nadu Hindu Religious and Charitable Endowments Act. The petitioner also sought for a relief of permanent injunction restraining the third respondent herein from interfering with the plaintiffs right of administration over the suit temple. The petitioner further sought injunction restraining the third respondent from proclaiming it as the Trust in the administration of the temple.



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3. Pending above suit, the first respondent herein filed an application seeking his impleadment. According to first respondent, he originally acted as Managing Trustee of the Arulmigu Parasuramalingeswar Temple Religious and Public Charitable Trust, Chennai – 23 and he was shown as Chairman-cum-Managing Trustee of the above trust in the original trust deed. Subsequently, there was an amendment in the trust deed dated 12.04.2010 made by P.Gajendran and Others and the name of the first respondent was omitted in the trust deed. It is also stated by him the deletion of his name happened behind his back without notice to him. Therefore, the first respondent claiming himself as Chairman and Managing Trustee of the above trust filed its application seeking his impleadment. The said application was allowed by the trial Court. Aggrieved by the same, the petitioner has come before this Court.

4. It is seen from the affidavit filed in support of the imploding petition that his name was deleted from the trust deed as early as 12.04.2010. According to him, the same was done behind his back without opportunity of hearing. However till date, the first respondent has not questioned his deletion from the trust deed. Therefore, the claim made by him that he is acting as Chairman and Managing Trustee of the said Trust cannot be



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accepted unless his deletion is challenged in the manner known to law and the same is set aside.

5. The petitioner herein filed a suit claiming itself as a trust entitled to be in administration of the suit temple. If any decree is passed in favour of the petitioner trust, the benefit of the same would enure to all the trustees. If the impleading petitioner is able to establish his alleged right as a Trustee / Chairman-cum-Managing Trustee, in an independent proceeding, by challenging his removal from the trust, the decree passed in the suit in favour of the petitioner would certainly enure to him. In view of the same his presence is not necessary in the present suit, unless he challenges the deletion from the trust and get a declaration in an appropriate proceedings. On the basis of his own averment in the affidavit filed in support of the impleadment petition, he cannot be treated as a trustee continuing in the plaintiff trust.

6. In such circumstances, his presence is not at all required, and, therefore, the impugned order passed by the trial Court is set aside and this Civil Revision Petition is allowed. It is made clear in case the first respondent initiate any separate proceedings to establish his status as a trustee of the trust, it is



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always open to the petitioner and the third respondent to contest the same, in a manner known to law. No costs. Connected miscellaneous petition is closed.

06.11.2025

Index:Yes/No
Neutral Citation:Yes/No
ssm

To

- 1.The learned XIII Assistant City Civil Judge,
Chennai.
- 2.The Commissioner,
Hindu Religious and Charitable Endowment,
Administration Department,
119, Uttamar Gandhi Road,
Chennai – 600 034.
- 3.Arulmigu Parasuramalingeswar
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S. SOUNTHAR, J.,

ssm

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