



WEB COPY

CRP.No.2947 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2025

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

C.R.P.No.2947 of 2025

1.P.Dhamodarasamy

2.R.Ravi

3.G.Balasubramanian

... Petitioners

Vs.

The Assistant Commissioner,
HR & CE Department,
Dr.Balasundaram Road, Tiruppur.

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the return order dated 21.04.2025 made in unnumbered O.S.CFR.No.194 of 2025 passed by the District Munsif Court, Avinashi.

For Petitioners : Mr.T.S.Vijaya Raghavan

For Respondent : Mr.T.Arun Kumar
Additional Government Pleader



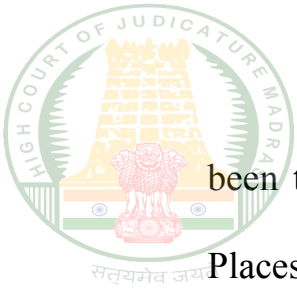
ORDER

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Heard Mr.T.S.Vijaya Raghavan, learned counsel appearing for the petitioners and Mr.T.Arunkumar, learned Additional Government Pleader appearing for the respondent.

2. This revision petition has been preferred challenging the order of the trial Court, namely, the District Munsif Court, Avinashi, made in O.S.CFR.No.194 of 2025 dated 21.04.2025, refusing to number the suit on the ground that the Hon'ble Supreme Court of India in the case of *Ashwini Kumar Upadhyay vs. Union of India* reported in **2024 SCC Online SC 3749**, had directed that no further suits can be registered in the Country concerning places of worship until further orders from the Supreme Court.

3. Mr.T.S.Vijaya Raghavan, learned counsel appearing for the petitioners, at the outset, would invite my attention to the order of the Hon'ble Supreme Court in *Aswhini Kumar Upadhyay's* case cited supra, and straight away would contend that it is only an interim order which was passed by the Hon'ble Supreme Court of India and no final decision has



been taken and even the said interim order would operate only where the Places of Worship (Special Provisions) Act, 1991, would come into play.

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However, he has taken me through the plaint in the present suit and would state that a particular sect being a denominational temple under Article 26 of the Constitution of India is entitled to seek relief and there is absolutely no connection with the Places of Worship (Special Provisions) Act, 1991, to the facts of the present case.

4. Having gone through the plaint, I am able to notice that the plaintiffs are not seeking any relief under the Places of Worship (Special Provisions) Act, 1991. The suit which has been filed is to be decided based on the right available to the plaintiffs under Article 26 of the Constitution of India. I also find the averments that the Hindu Religious and Charitable Endowments Act does not apply to the facts of this case. In fact, the Hindu Religious and Charitable Endowments Department is the only defendant.

5. In view of the above, I do not find the suit not being maintainable as observed by the learned District Munsif Judge, Avinashi. Hence, the order of return dated 21.04.2025 made in unnumbered O.S.CFR.No.194 of



2025 by the District Munsif Court, Avinashi, is set aside. The District Munsif Court, Avinashi, is directed to take the plaint on file, if it is otherwise in order.

6. Registry is directed to return the original plaint to the learned counsel for the petitioners on production of web copy of this order along with a request letter before the Section Officer, English Records Section, High Court of Madras.

7. Accordingly, this Civil Revision Petition is allowed. There shall be no order as to costs.

16.07.2025

Speaking Order/Non-speaking Order

Index : Yes / No

Neutral Citation : Yes/No

ssb

To

- 1.The District Munsif Court, Avinashi.
2. The Section Officer, English Records Section,
High Court of Madras.



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P.B. BALAJI,J.

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