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C.R.P.(PD)No.5232 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2025

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

**C.R.P.(PD)No.5232 of 2024**  
**and**  
**CMP.No.29245 of 2024**

1. The Inspector,  
Arumigu Thirukachinambigal  
Varadharaja Perumal Temple,  
Hindu Religious and Charitable Endowment Board  
(HR & CE),  
Sannadhi Street, Poonamallee,  
Chennai- 600 056.

2. The Assistant Commissioner,  
HR & CE Department,  
Tiruvallur- 620 001.

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Petitioners

..Vs..

1. Mr.A.B.Saravanan  
2. Krishnamoorthy

....

Respondents

**PRAYER:** Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the entire records in O.S.No.158 of 2024 and set aside the order dated 21.09.2024 passed by the learned Additional District Munsif, Poonamallee in I.A.No.6 of 2024 in



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O.S.No.158 of 2024.

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For Petitioner : Mr.N.R.R.Arun Natarajan  
Special Government Pleader  
For Respondents : Mr.V.Sugumar

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**ORDER**

This civil revision petition challenges the order passed by the learned Additional District Munsif, Ponnammallee in I.A.No.6 of 2024 in O.S.No.158 of 2024 dated 21.09.2024 dated 21.09.2024.

2. The suit in O.S.No.158 of 2024 was filed seeking for the following reliefs:

*"(i) Declare the notice dated 28.03.2024, vide Na.Ka.10/2024/po, issued by the first defendant, as illegal and to direct the defendants 1 and 2, not to embark upon any acts in pursuance of the said notice.*

*(ii) grant permanent injunction restraining the defendants 1 & 2, or their men, servants, agents or anybody else on their behalf from initiating any action based on the notice dated 28.03.2024 vide Na.Ka.10/2024/po."*

3. Pending the suit, an application was filed for appointment of an Advocate Commissioner to open the "Undiyal"(donation box) of Arulmigu Panayathamman Kovil in the presence of the defendants, to clear the Undiyal of all its contents and use the funds to pay the



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electricity and other charges. This application was received as IA No.6 of 2024. A counter was presented by the civil revision petitioner stating that they do not have any issue if an Advocate Commissioner is appointed to open the Undiyal and empty it, but they have serious objections if the amounts so cleared is handed over to the plaintiffs.

4.The learned Trial Judge took up the application for disposal. By the impugned order, the learned District Munsif appointed an Advocate Commissioner. The Court directed him to open the Undiyal in the presence of the civil revision petitioners as well as the plaintiffs. It gave a further direction to hand over the amounts so collected to the plaintiffs. Aggrieved by the later portion of the order, the Department is on a revision before me.

5. The case of the plaintiffs is that Arulmighu Pidari Panayathamman Temple was constructed and dedicated by one Mrs.Kuttiammal. The plaintiffs claim they are her grandchildren. According to them, they are the hereditary trustees of the temple, maintaining the temple out of their funds. The cause of action for the suit is that the Inspector of Arulmighu Thirukachi Nambigal Varadharaja



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Perumal temple had issued a proceeding dated 23.08.2024 interfering with their rights over the temple. Hence, the suit for the aforesaid reliefs.

6. For the purpose of disposal of this revision, it is not necessary for me to delve deep into the facts that are involved in the suit.

7. When the matter came up for admission on 03.01.2025, I requested Mr. N.R.R. Arun Natarajan, the learned Special Government Pleader, HR & CE, to serve the entire set of papers on the counsel who appears for the plaintiffs in the Court below. In compliance with this order, Mr. Arun Natarajan had served the papers on Mr. R.R. Venkatesh. When I took up the matter today, Mr. V. Sukumar represented for the respondents. He stated he has also filed vakalat on their behalf.

8. I heard Mr. N.R.R. Arun Natarajan, for the civil revision petitioners and Mr. V. Sukumar for the respondents.

9. The narration of the facts goes to show that the department has no issues in appointing an Advocate Commissioner to open the Undiyal



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and to empty the same. Their only grievance is that the monies so collected should not be handed over to the plaintiffs.

10. Mr. Sugumar states that his clients will not have any issues if the amount collected by the Advocate Commissioner is deposited to the credit of the Suit. Mr. N.R.R. Arun Natarajan is *ad idem* with the said submission.

11. In the light of the above, the order passed by the learned Additional District Munsif, Poonamallee in I.A No.6 of 2024 in O.S No. 158 of 2024 is modified in so far as the last portion of the order alone is concerned.

12. To make it clear, the Advocate Commissioner appointed by the Court shall empty the undiyal in the presence of the plaintiffs and the defendants. He shall calculate the correct amount. He shall thereafter deposit the amount to the credit of O.S No. 158 of 2024. The District Munsif, on receipt of the amount from the Advocate Commissioner, shall deposit the amount in an interest bearing account pending disposal of the suit.



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13. It is left open to the parties to file an appropriate application seeking withdrawal of the amounts to the extent it is necessary for maintaining the temple. The District Munsif shall pass appropriate orders such as application being filed.

With the above observations, this civil revision petition is partly allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

**08.01.2025**

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

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To

The Additional District Munsif, Poonamallee.



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**V. LAKSHMINARAYANAN,J.**

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