



C.R..P.(NPD)(MD).No.896 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(NPD)(MD)No.896 of 2025

1. PL.Annamalai

2. R.M.Chithambaram

3. M.Palaniappan

4. N.Meyappan

... Petitioners/Plaintiffs

Vs.

1. The Managing Trustee,
Nagarathar Sri Arulmighu
Meenatchi Sundareswar Temple,
Represented through Management,
Kandanoor, Karaikudi Taluk,
Sivagangai District.

2. AR.Veerappan

3. R.M.Natchiyappan

4. L.PL.P.Lakshmanan

5. V.Vellaiyan @ Mohana



C.R..P.(NPD)(MD).No.896 of 2025

WEB COPY

6. The Joint Commissioner,
Office of the Joint Commissioner,
Hindu Religious and Charitable Endowment,
Sivagangai, Sivagangai District.

7. The Tamil Nadu State,
Represented through
The Inspector,
Hindu Religious and Charitable Endowment,
Karaikudi Taluk,
Sivagangai District.

... Respondents/
Defendants

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, against the rejection order passed in unnumbered suit in O.S.SR No. 2865 of 2024, dated 02.01.2025 on the file of the District Munsif Court, Karaikudi.

For Petitioners : Mr.M.Ponniah

For R6 and R7 : Mr.S.P.Maharajan
Special Government Pleader

ORDER

The plaintiffs in unnumbered O.S.SR No.2865 of 2024, on the file of the District Munsif Court, Karaikudi, has filed the present Civil Revision Petition challenging the order of return passed by the trial Court.



C.R..P.(NPD)(MD).No.896 of 2025

WEB COPY

2. A perusal of the prayer in the plaint reveals that the suit has been filed for a declaration that resolutions passed by the defendants 1 to 5 are null and void and for consequential permanent injunction as against the defendants 2 to 4 not to execute the resolutions that were passed. The other prayer has also been sought for by the plaintiffs as against the defendants 1 to 5. It is clear that no prayer has been sought for as against the defendants 6 and 7, who are the officials of the Hindu Religious and Charitable Endowments Department. The trial Court has proceeded to return the plaint on the ground that the suit is barred under Section 108 of Tamil Nadu Hindu Religious and Charitable Endowments Act and has also referred to Section 64 of the said Act, to the effect that the Joint Commissioner, alone has the authority to deal with, in respect to powers and duties of the Trustees.

3. According to the learned counsel appearing for the revision petitioners/Plaintiffs, the temple is not under the purview of the Hindu Religious and Charitable Endowment Department and therefore the Act is not applicable to the first defendant temple. The defendants 6 and 7 have been unnecessarily added as parties. He undertakes to delete the defendants 6 and 7 and re-present the plaint.



C.R..P.(NPD)(MD).No.896 of 2025

WEB COPY

4. In case, if the defendants 6 and 7 are deleted and the plaint is re-presented, the trial Court is directed to number the same, without raising any objections relating to Section 108 or Section 64 of the Hindu Religious and Charitable Endowments Act.

5. With the above said observations, this Civil Revision Petition is disposed of. There shall be no order as to costs.

21.03.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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Note: 1. Issue order copy on 25.03.2025

2. The Registry is directed to return the original plaint to the petitioners after getting necessary endorsement after retaining a copy of the same for record.



C.R..P.(NPD)(MD).No.896 of 2025

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To

1. The District Munsif Court,
Karaikudi.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

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C.R.P(NPD)(MD)No.896 of 2025

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