



Cont.P.(MD)No.1758 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.01.2025

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

Cont.P.(MD)No.1758 of 2024

and

Sub A(MD)Nos.286 and 287 of 2024

S.Pappu Sita Lakshmanan

... Petitioner

Vs

1.Petchiammal

2.Lakshmi

3.M.Durai

4.Sundari

5.M.Mariappan

6.N.Murugan

7.N.Muthusamy

... Respondents

(Cause title accepted as per order of the
Court dated 09.07.2024 in Sub.A.(MD)No.
319/2023 in Cont.P.(MD)SR.No.82427/23)

Prayer : This Contempt Petition is filed under Section 12 of Contempt of Court Act to punish the respondents herein for committing contempt and willful disobedience of the judgment and decree passed by this Court in S.A.(MD)No.445 of 2011 dated 27.02.2017.



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For Petitioner : Mr.R.Pon Karthikeyan

For Respondents : Mr.S.A.Ganapathiraman for R6 & R7

ORDER

This Contempt Petition is filed to punish the respondents herein for committing contempt and willful disobedience of the judgment and decree passed by this Court in S.A.(MD)No.445 of 2011 dated 27.02.2017.

2. A temple by name Arulmighu Hari Om Sakthi Narayana Jothipathi Dharma Thangal Temple is situated in Ward No.1, Block No. 8, Palayamkottai Town, Tirunelveli District. Another temple by name Chokkalinga Swamy Thirukovil, is also situated in the same premises. There was an issue with regard to the disturbance of possession and pathway in respect of the temple first mentioned. So the suit in O.S.No. 382 of 2002 was filed by the contempt petitioner namely Pappu Sita Lakshmanan and others against one Nambiya Pillai and seven others before the First Additional District Munsif Court, Tirunelveli. As a



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counter blast, Nambiyapillai and others, filed a suit in O.S.No.444/2002 and both suits were tried together and both the suit were decreed on 17.12.2009. Nambiya pillai and others filed an appeal in A.S.No.35 of 2010, against the judgment decree made in O.S.No.382/2002 before the Principal Sub Judge, Tirunelveli. Similarly, Pappu Sita Lakshmanan and others filed A.S.No.54 of 2010 against judgment and decree in the counter suit. The learned Subordinate Judge, Tirunelveli, dismissed the appeal filed by Nambiya Pillai, whereas A.S.No.54 of 2010 was allowed. Against which, S.A(MD)Nos.445 and 446 of 2011 were preferred by Nambiya Pillai and others. Pending the Second Appeal, compromise was reached between the parties. The terms of compromise are mentioned in the ground, need not be reproduced, since it is admitted by both sides.

3. Now the grievance of the contempt petitioner in this Contempt Petition, is that after the death of Nambiyapillai, the legal representatives namely the 6 and 7 respondents were managing Chokkalingasamy temple. Against the compromise decree, they obstructed the pathway on 15.05.2023. Against the above said violations, the contempt petitioner filed complaint before the police station on 15.05.2023, 17.05.2023 and



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07.07.2023. CSR No.346 of 2023 was issued by Palayamkottai Police Station on 27.06.2023. The respondents closed the temple doors and prevented the poojas. The matter was referred to Revenue Divisional Officer, Tirunelveli and the contemnors brought crusher sand and making threat. So this petition is filed seeking punishment for having willfully disobeyed the compromise decree.

4. Similarly, the managing trustee namely L.S.Mariappan, claiming himself to be the trustee of Arulmighu Sri Chokkalingaswamy temple, filed a petition to implead himself as 8th respondent stating that after that both the Nambiya Pillai and the respondents 7 and 8 were administering the temple. The main Sivalingam and other idols are in ruined condition. So the praharam also to be maintained. They requested the proposed party to take over the administration for renovation work. From the date onwards, the proposed party is in possession of the administration of the temple and doing the renovation work. The Nanthi statue was renovated by the Trust. That was placed before the main deity. Now the contempt petitioner says that the Nandhi was constructed in front of Chokkalingaswamy temple causing obstruction to the pathway. But it



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is not correct. Nanthi statue was renovated and was not moved from any other place to the present place. So they are also necessary parties in the contempt petition.

5. When the matter was taken up for admission, it was submitted by the respondents 6 and 7 that no such violation was committed by them. As mentioned in the Second Appeal, they have undertaken only renovation work and never intended either in closing the door of the temple belongs to the contempt petitioner and obstructing the pathway right. The Nanthi statue was only renovated and not newly placed. They would also submit that they are ready to file an undertaking affidavit to abide by the compromise deed. It is the counter allegation that only the contempt petitioner is making trouble in the renovation work.

6. But the contempt petitioner would submit that under the guise of renovation work, they are fencing the premises, blocking the pathway right. But the respondents 6 and 7 and the proposed party would submit that they have no idea to fencing. Only renovation work as mentioned above is undertaken and nothing more. In this regard, undertaking



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affidavit was filed by both sides. The undertaking affidavits filed by both sides, are placed on record. Let the undertaking affidavits, shall form part of this order. If any violation is noticed by any side, other party is at liberty to initiate action against the erring party.

7. With the above liberty, this Contempt petition is closed. Consequently, connected Sub Applications are closed. No costs.

08.01.2025

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No

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