

## IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON  
15.04.2026PRONOUNCED ON  
30.04.2026

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THE HON'BLE MR.JUSTICE K.KUMARESH BABU

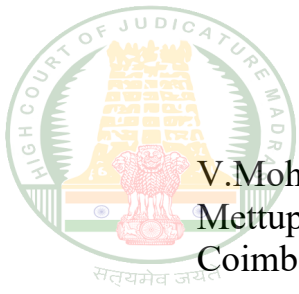
**CRP No. 1099 of 2022**  
**and CMP.No.5661 of 2022**

1. M/s.Dharmarajaaswamy Kovil Devasthanam,  
Rep by Managing Trustee J.Dhanalakshmi,  
A Private Religious Trust of Family Temple,  
D.No.42A and 45 Dharmaraka Kovil Stree,  
Sennammanaickenpalayam, Idikari,  
Coimbatore.
2. B.Jayachandran  
S/o.Late D. Balasundaram,1057, Avinashi  
Road, Coimbatore-18.
3. R.Parasuraman  
S/o.Late Ramakrishnan, D.No.7/10A, Thergu  
Thottam Paguthi, Kannammanayakkenpalayam,  
Idikari, Coimbatore-18.
4. MythreyiPriya  
W/o.ArunSelvaraj,  
D/o.B.Jayachandran,68/73K,Green fields,  
Puliyakulam Road, Puliyakulam,  
Coimbatore-641 045
5. R.Paramanantham  
S/o.Ramakrishnan,15, Dharmaraja Kovil Street,  
Sennammanacikenpalayam, Idikarai,  
Coimbatore.

..Petitioner(s)

Vs

1. Idol of Arulmigu Dharmaraja Swamy,  
Of Sennammanaicken Palayam ,rep by Devotee



V.Mohanraj S/o.S.K.Vijayan, 18,  
Mettupalayam Road, Kavundampalayam,  
Coimbatore-641 018.

2. R. Narayanasamy,  
S/o.Late.Rajagopal, (Formerly the Managing  
Trustee of M/s.Ponnammal Dharmarajasamy  
Dharmasthabanam, D.No.2, Dhanalakshmi  
Nagar, New Siddhapudu, Coimbatore - 641  
004.

3. Ponnamma Dharmarajasamy,  
Dharmasthabanam, Rep. by its Managing  
Trustee, No.1057, Avinashi Road,  
Coimbatore - 18.

..Respondent(s)

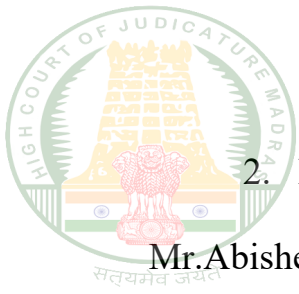
PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, to strike off the plaint in O.S.No.524/2021 on the file of the I Additional District Munsif Court, Coimbatore.

For Petitioner(s): Mr.R.Parthasarathy  
Senior counsel  
for Mr.Abishek Jenasenan

For Respondent(s): Mr.S.Kumaresan for R1  
R2 - Died  
R3 – Served – No appearance

### **ORDER**

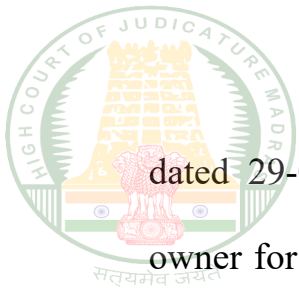
The Civil Revision Petition filed to strike off the plaint in O.S.No.524/2021 on the file of the I Additional District Munsif Court, Coimbatore.



2. Heard Mr.R.Parthasarathy, learned Senior counsel appearing for Mr.Abishek Jenasenan, learned counsel appearing on behalf of the petitioners and Mr.S.Kumaresan, learned counsel appearing on behalf of the first respondent.

3. Mr.R.Parthasarathy learned Senior Counsel appearing for the Petitioner's would submit that the Dharmaraja Kovil Temple in Semmanaickenpalayam, Idikari was built by one PonnammalW/o Nambur Krishnaswamy out of her own funds and has all along been administered as a private family temple, with no public contribution or participation in its management. He would also submit that the trust deed dated 07.11.1954, constituting "Ponnammal Dharmaraja Swamy Dharmasathanam," establishes a private religious endowment, with administration confined to trustees and funded exclusively through endowed properties and their contributions. It does not stipulate contributions from the public for managing the affairs of the temple or for conducting rituals and festivals. There is no iota of any material in the trust deed to give the colour of the trust being public in nature.

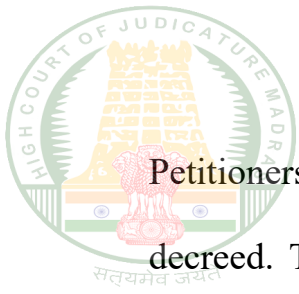
4. The learned Senior Counsel would also contended that after the demise of Ponammal the trust was reconstituted. Mr.Balasubramaiaam was appointed as managing trustee and salaries to priest in temple and rituals were met out from the income of said land , the above managing trustee executed the exchange deed



dated 29-01-1973 registered document number 76/1973 to the adjacent land owner for irrigation , it shows that the effective management by the trustee for maintenance of the temple.

5. The learned counsel for the petitioner contended that due to the insufficient funds to meet out the expenses of the temple, a trust deed has been executed by the trustees, registered amendment deed dated 31-10-2019. Later the conversion of private trust to public trust is out of scope of the trust deed of Ponammal and therefore revoked the amendment deed dated 31.10.2019 , revocation deed dated 17.11.2020. The original private character of the trust stood restored. He further contended that in order to meet out the expenses of the temple trustees filed Trust O.P. 129/2020 in the District Court Coimbatore , to sell about 8 acres of the trust lands but after the revocation of the amended deed, the trustees had withdrawn Trust O.P. 129/2020.

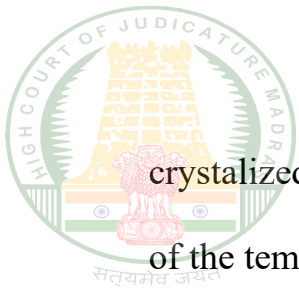
6. Further Learned counsel for the petitioner contented that on 27-11-2020 a trust deed was entered between the Respondents and the petitioners trust. The trust deed is to management of the religious affairs of the temple. The petitioners had taken over the management of the trust , still remained as private trust as per the trust deed. The said deed is not in violation of Trust deed dated 07-11-1954. He would also point out that the petitioner's have instituted a suit in O.S. No. 24/2021 in Additional District Munsiff Court-V, Coimbatore to declare



Petitioners' trust to be in administration of Dharamraja Kovil and the same was decreed. The Respondents herein has instituted the suit in O.S. 524/2021 in Principal District Munsif Coimbatore, for reliefs that to declare Judgment and decree in O.S.No.24/2021, the Dharmaraja Kovil as public temple and to declare the trust deed dated 27-11-2020 as null and void.

7. The Learned Counsel for the petitioner contends that, the respondents herein has no *locus standi* to file the suit, and cannot be an aggrieved person in relation to the management of the trust and a mere averment that he is worshipper of the idol of the temple will *not ipso facto grant* him the locus to file the suit and hence suit is liable to be rejected at the threshold. He further contended that the plaintiff does not contradicts the trust deed dated 07-11-1954 executed by the said Ponnammal, built and managed by her own funds and the trust deed is clear and conclusive that only income from the landed properties or contributions from trustees are utilized for managing the temple, in plaint averments by respondent the prayer of temple is public in nature cannot be granted.

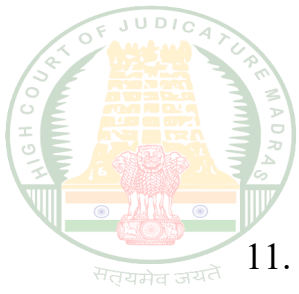
8. Learned counsel also contended that the Provisions of Hindu Religious and Charitable Endowment Act, 1959 will not be applicable, since it is a private trust, the petitioners' of the private trust can act in consonance with the trust deed and right to manage the temple including right to deal with the property has been



crystallized by virtue of the Judgment and Decree in O.S.No.24/2021. The nature of the temple as a public can be decided by the authorities under section 63 of the Act and therefore the present suit is barred by the provisions of HR & CE.

9. He would further submit that the 1<sup>st</sup> Petitioner Trust has resolved on 01.04.2022 to dissolve the 1<sup>st</sup> Petitioner Trust based on deliberations made in the minutes book of 3<sup>rd</sup> Respondent Trust. Consequently a resolution dated 01.04.2022 was passed unanimously to dissolve the 1<sup>st</sup> Petitioner Trust. However, the same could not be brought to the attention of this Hon'ble Court since the minutes book of the trusts were being maintained by erstwhile family chartered accountant. Subsequently the minutes books were requested and returned to the possession of Petitioners only then the details recorded in the minute book of 3<sup>rd</sup> Respondent were brought to the knowledge of Petitioners. However, No effect was ever given to the 1<sup>st</sup> Petitioner Trust and the duties pertaining to the functioning of the temple was never transferred to the 1<sup>st</sup> Petitioner Trust as same was found to be in contravention to the objectives stated in Trust deed dated 07.11.1954. Cause of action no longer survives

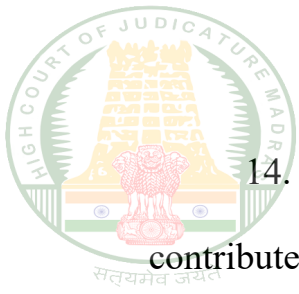
10. The plaint is filed under Order VII Rule 1 of CPC and relief sought is in the nature of Section 92 of CPC, and is an attempt to circumvent the grant of leave as required under law. On this ground alone the plaint is liable to be struck off.



11. The Learned Senior Counsel for the Petitioners relying on the judgment of the Hon'ble Apex Court in the case of ***Shipping Corporation of India Ltd. v. Machado Brothers*** reported in (2004) 11 SCC 168, would contend that Courts are vested with inherent powers under Section 151 CPC to strike off proceedings which have become infructuous or which constitute an abuse of process.

12. The learned counsel for the petitioner's further places reliance upon the judgement made by this court in the case of ***Ramanasramam Rep. by its Secretary v. The Commissioner for Hindu Religious and Charitable Endowments*** reported in AIR 1961 Mad 265, wherein this Court has elaborately discussed the distinction between a private and a public religious trust.

13. Mr.S.Kumaresan Learned counsel for the respondents on the other hand contends that, the respondents herein initiated the suit in O.S. 524/2021 to set aside the Judgment and Decree dated 25.01.2021 passed in O.S. No. 24 of 2021 on the file of the learned Fifth Additional Munsif Court, Coimbatore. He submits that Idol of Shri Dharmaraja Swamy , represented by its devotee is a public temple in existence for more than 150 years and maintained through general public funds.



14. He would submit that one Late Mrs. Ponnammal, a devotee, had contributed to the renovation of the temple and constructed a Mandapam adjoining the Garbhagriha. She had also executed a Trust Deed dated 07.11.1954, registered as Document No. 730 of 1954, creating a Trust and settling properties exclusively for the purpose of conducting poojas, rituals, and maintenance of the temple said Trust Deed expressly prohibits alienation or encumbrance of Trust properties. After the demise of the founder in 1958, the Trust became defunct over time. For more than five decades, no activities were carried out, and the trustees failed to discharge their obligations. All trustees eventually passed away without reconstitution, thereby rendering the Trust non-functional.

15. He would further contend that without any lawful authority, The above said petitioners 2 and 3 and along with another, have falsely projected themselves as trustees of the said Trust. It is contended that they have fabricated records and trust documents that were in the custody of the last Managing Trustee, Late Mr. Balasundaram. The Respondent has also denied and refuted the locus standi and representative capacity of Petitioner's, contending that in the absence of lawful reconstitution after the demise of all the trustees, they cannot assume the role of trustees. The Respondent further alleges that the Petitioners, acting in collusion, attempted to usurp the Trust properties, which are stated to be worth more than Rs. 50 crores, and initiated proceedings in O.P. No. 129 of



2020 before the Principal District Court seeking permission to deal with Trust properties.

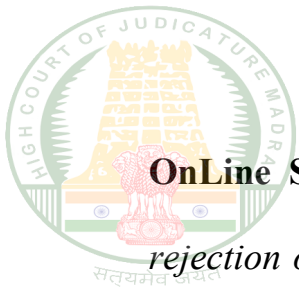
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16. Learned counsel for respondent would contend that the subsequent institution of O.S. No. 24 of 2021 and Judgment and Decree dated 25.01.2021 passed by Honourable 5<sup>th</sup> Additional District Munsif of Coimbatore to be set aside and declare Arulmigu Dharmaraja Swamy Temple as Public Temple.

17. The Learned Senior Counsel for the Respondent further relied upon the Hon'ble Apex Court judgement made in the case of ***Bishwanath and Another v. Thakur Radha Ballabhji and Others***, which dealt with legal principles governing the rights of worshippers and the juristic status of idols. It is submitted that, as held therein, three foundational legal principles stand well established, namely:

- (i) that an idol in a Hindu temple is a juridical person capable of holding property;
- (ii) that ordinarily the She bait alone is entitled to represent the idol; and
- (iii) that the worshippers of the idol are its beneficiaries, albeit in a spiritual sense.

18. He also relied upon the Hon'ble Apex Court judgement made in the case of ***Vinod Infra Developers Ltd. v. Mahaveer Lunia*** reported in **2025 SCC**



**OnLine SC 1208**, wherein it has been held that the position of law is that *rejection of a plaint under Order VII Rule 11 CPC is permissible only when the plaint, on its face and without considering the defence, fails to disclose a cause of action, is barred by any law, is undervalued, or is insufficiently stamped. At this preliminary stage, the court is required to confine its examination strictly to the averments made in the plaint and not venture into the merits or veracity of the claims. If any triable issues arise from the pleadings, the suit cannot be summarily rejected.*

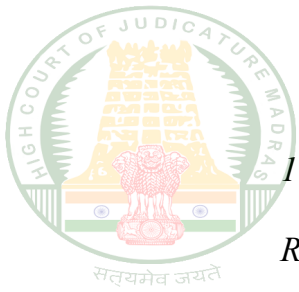
19. The Learned Senior Counsel for the Respondent further relied upon the Hon'ble Apex Court judgement made in the case of **K.Valarmathi and Others vs Kumaresan 2025 INSC 606** and also the judgment of the Hon'ble Apex Court in the case of **P.Suresh vs D.Kalaivani and others** reported in **2026 INSC 121** to contend that the High Court should be slow in exercising its power under Article 227 of the constitution to strike of the plaint as it would efface the statutory remedy available to the plaintiff under CPC. Hence, he prays for dismissal.

20. I have considered the submissions made by the learned counsels appearing on either side and perused the materials available on record.



21. Even though contentious arguments were made before this Court with regard to the maintainability of the suit, it is the duty of the Court to look at the judgment of the Hon'ble Apex court which had been relied upon by the learned counsel appearing on behalf of the respondent to deal with the power of the Court under Article 227 of the Constitution to strike off a plaint. In the judgment rendered by the Hon'ble Apex Court reported in **2025 INSC 606**, the Hon'ble Apex Court had categorically held that the Civil Procedure Code is a self contained Code wherein power had been vested under Order VII Rule 11 to reject a plaint and that such rejection amounts to a decree which is appealable under Section 96 and it had further held that such a statutory claim under the Act cannot be upended in invoking supervisory jurisdiction of the High Court under Article 227 to entertain a prayer for rejection of the plaint. For better appreciation, the relevant paragraphs are extracted hereunder:-

*“ 9. Essence of the power under Article 227 being supervisory, it cannot be invoked to usurp the original jurisdiction of the court which it seeks to supervise. Nor can it be invoked to supplant a statutory legal remedy under the Civil Procedure Code, 19085. For example, existence of appellate remedy under Section 96 of the Code operates as a near total bar to exercise of supervisory jurisdiction under Article 2276.*



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10. *Civil Procedure Code is a self-contained Code and Order VII*

*Rule 11 therein enumerates the circumstances in which the trial court*

*may reject a plaint. Such rejection amounts to a deemed decree which is appealable before the High Court under Section 96 of the Code.*

*This statutory scheme cannot be upended by invoking supervisory jurisdiction of the High Court under Article 227 to entertain a prayer for rejection of plaint...”*

22. In the judgment reported in **2026 INSC 121**, the Hon’ble Apex Court had held that availability of alternative remedy under CPC shall be treated as complete and near total bar on the High Court to exercise its power under Article 227 of the Constitution. For better appreciation, the relevant paragraphs are extracted hereunder:-

*“ 7. When the powers under Article 227 of the Constitution are of supervisory nature and when the aforestated settled dictum of law is that the High Court does not act as a court of appeal or a court of error, it would logically follow that the powers under Article 227 would not be exercised when the non-exercise of such powers does not result into miscarriage of justice or deprivation of remedy in law to a party.*

*7.1 It is to be conceived as one of the prohibited area for exercising Article 227 powers where, in respect of the grievance for which party has remedy*

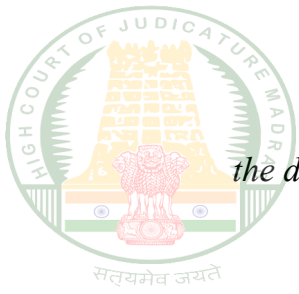


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*in law, these powers are surely to be invoked. The principle is therefore to be emphasized that the exercise of supervisory jurisdiction under Article 227 of the Constitution has to be treated as an exceptional resort when an alternative efficacious civil remedy by way of appeal or revision or any other, like Order VII Rule 11, CPC in the present case, is available to the party for the redressal of the grievance.*

*7.2 The proposition that the availability of alternative remedy shall be legitimately construed to displace the exercise of Constitutional jurisdiction by the High Court, is true not only for the purpose of exercising powers under Article 226 of the Constitution but also for the purpose of invoking Article 227 of the Constitution.*

*7.3 In the garb of exercising supervisory jurisdiction under Article 227 of the Constitution, the High Court is not expected to engulf the specific statutory remedy or provision in law and, thus, become a supervisor over the court below or the tribunal, as the case may be. It would be a legally wise exercise of discretion for the High Court to adopt and adhere to such self-imposed discipline and to insist that the aggrieved party should take recourse to such alternative remedy or statutory provision available in law, especially, for the case falling in category indicated in Virudhunagar<sup>6</sup> (supra) where remedy available in the CPC for the cases falling under category/other law also, where such specific statutory remedy is available,*



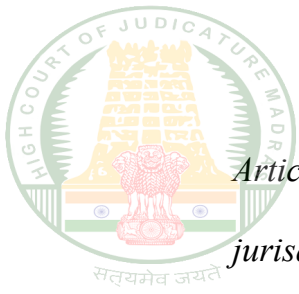
*the dictum laid down herein is true to grant extent.*

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*7.4 As stated above, embargo in this regard would have to be construed as near total when provision is available in CPC. It is held, therefore, that once the specific provision under Order VII Rule 11 of the CPC, is available, the High Court cannot exercise powers under Article 227 to reject or strike off the plaint. For such relief, the specific provision under Order VII Rule 11, CPC, will have to be resorted to, on the grounds mentioned in the said provision.*

*8. In adopting such approach, the High Court would be giving due regard to the legislative intent. When the legislature has enacted specific remedial provision to be taken recourse to by the person aggrieved to challenge the orders and decisions of the court to seek redress in law accordingly that remedy alone will have to be sought for.*

*9. From the aforesaid discussion, it would logically follow that the High Court would not only discourage but desist from exercising jurisdiction under Article 227 of the Constitution in respect of a challenge for which a separate, distinct, and specific remedy or statutory provision is available under the statute concerned. Availability of an alternative civil remedy and/or under the CPC shall be treated as complete and near total bar on the High Court to venture to invoke and exercise its power available under*



*Article 227 of the Constitution, except where exercise of supervisory jurisdiction becomes absolutely necessary.”*

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23. In view of the aforesaid judgments, this Court is refraining itself from entertaining the present Revision, however, is of the view that the petitioner would be at liberty to invoke the Provisions of Order VII Rule 11 to strike off the plaint.

24. With the aforesaid liberty, the Revision Petition stands dismissed. Consequently the connected Miscellaneous petition stands closed. However, there shall be no order as to costs.

**30.04.2026**

Index: Yes/No  
Speaking/Non-speaking order  
Neutral Citation: Yes/No

GBA

To

1. The Additional District Munsif Court-I,  
Coimbatore.

2. The Section Officer,  
VR Section,  
Madras High Court,  
Chennai.



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CRP No. 1099 of 2



**K.KUMARESH BABU, J.**

**GBA**

**CRP No. 1099 of 2022**

**30.04.2026**