



Rev.Aplc.(MD) Nos.260 to 266 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATE: 30.01.2026

CORAM:

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Rev.Aplc(MD)Nos.260 to 266 of 2025

Rev.Aplc (MD)No.260 of 2025

Theni Maavatta Rajakambalathar,
Andipatti Maalaikovil Sangam,
Thalaivar T.Navaneethakrishnan
S/o.Thangapandian
Andipatti Town,
Andipatti Taluk,
Theni District.

... Petitioner

Vs

P. Singarraj
S/o.Late Periyana Thevar,
D.No.8-1/660, Theni – Madurai Main road,
Eastern side of Andipatti Police Station,
Andipatti Town, Andipatti Taluk,
Theni District.

... Respondent

COMMON PRAYER in Rev.Aplc (MD) No.260 of 2025: Review
Application filed under Order 47 Rules 1 &2 r/w. Section 114 of Civil
Procedure Code, to review the order of this Court dated 28.08.2025 passed
in S.A.(MD).No.370 of 2025 which was filed challenging the judgment



Rev.Aplc.(MD) Nos.260 to 266 of 2025

and decree passed by the Subordinate Court, Theni in A.S.No.20 of 2023 dated 26.02.2025 by reversing the judgment and decree passed by the District Munsif Court, Andipatti in O.S.No.80 of 2019 dated 25.01.2023.

For Petitioner : M/s.Lakshmi Gopinathan
for Mr.M.Prabu
in all Review Applications

COMMON ORDER

These Review Applications have been filed by the appellant in S.A. (MD) No.370 to 376 of 2025 seeking review of the judgment dated 28.08.2025 passed in S.A.(MD) No.370 to 376 of 2025.

2. The grievance of the review petitioner is that this Court committed an error apparent on the face of the record by allegedly misunderstanding the nature of the settlement patta. According to the review petitioner, the settlement patta (Ex. A1) was not issued in favour of the plaintiff society or any public charitable trust, but was granted in the name of *Raja Kamblathar MalaiKoil*, represented by its hereditary trustee, under Section



Rev.Aplc.(MD) Nos.260 to 266 of 2025

8(2)(ii) of the Tamil Nadu Inam Estates (Abolition and Conversion into Ryotwari) Act, 1963.

3. It is contended that the society is rendering services to the temple and that the hereditary trustee of the temple also happens to be the President of the plaintiff society, and therefore the society is competent to maintain the suit. On that premise, it is argued that the findings rendered in the second appeal suffer from an error apparent warranting review.

4. On the side of the review petitioner, reliance was placed on the judgment of the Hon'ble Madras High Court in ***Sri VedanthaSthapana Sabha v. The Commissioner, H.R. & C.E. (Admn.)***, reported in (1997) 2 ***MLJ 265***.

5. In the said case, the petitioner-society itself had constructed the temple and sought recognition under the Hindu Religious and Charitable Endowments Act for appointment of the society as hereditary trustee. The principal issue that arose for consideration therein was whether a body of persons, being a fluctuating body, could be recognised as a hereditary trustee. Interpreting Section 6 (22) of the H.R. & C.E. Act, this Court held



Rev.Aplc.(MD) Nos.260 to 266 of 2025

that, in appropriate cases, a body of persons could be recognised as a trustee.

6. The said decision turned entirely on its own peculiar facts and on the statutory interpretation of Section 6(22) of the H.R. & C.E. Act. The ratio laid down therein does not govern the present case.

7. In the present case, the temple admittedly existed long prior to the formation of the plaintiff society, and there is no dispute whatsoever regarding the identity or appointment of the hereditary trustee. The plaintiff society has never been appointed or recognised as the hereditary trustee of the temple in the manner known to law. Therefore, the reliance placed on the above judgment is wholly misconceived and the same is clearly distinguishable on facts.

8. From the admitted facts, it is clear that the ryotwari patta dated 15.10.1971 stands in the name of *Raja Kamblathar MalaiKoil*, represented by its hereditary trustee. The temple is a distinct juristic entity, functioning



Rev.Aplc.(MD) Nos.260 to 266 of 2025

through its trustees, and its day-to-day affairs are administered by the hereditary trustee.

9. The plaintiff society came into existence much later. The society is also a separate juristic entity, governed by its own bye-laws, functioning through its office bearers, and is entitled to sue or be sued only in the manner prescribed under law. Admittedly, the property of the temple has never been transferred or vested in the plaintiff society in the manner known to law.

10. Merely because the hereditary trustee of the temple happens to be the President or office bearer of the plaintiff society, such identity of individuals does not merge or substitute the distinct legal personalities of the temple and the society. A society, which has no vesting of title or trusteeship, cannot maintain a suit relating to temple property merely on the ground that its office bearer is also the hereditary trustee.

11. Once the patta admittedly stands in the name of the temple represented by its hereditary trustee, the suit, if any, relating to the temple property ought to have been instituted only by the temple through its



Rev.Aplc.(MD) Nos.260 to 266 of 2025

hereditary trustee. The suit having been filed by the plaintiff society, which is a different and independent legal entity having no title or trusteeship over the suit property, is clearly not maintainable.

12. In such circumstances, it is unnecessary for this Court, in the present review, to go into the larger questions as to whether the temple is public or private, or whether it is a charitable or non-charitable institution. Even assuming such issues arise, the admitted fact remains that the property vests only with the temple and not with the plaintiff society.

13. The judgment relied upon by the review petitioner does not disclose any manifest error, patent illegality, or error apparent on the face of the record in the impugned judgment. What is sought in the present review is only a re-appreciation of facts and a re-consideration of legal conclusions already arrived at, which is wholly impermissible in review jurisdiction under Order XLVII Rule 1 CPC.



Rev.Aplc.(MD) Nos.260 to 266 of 2025

14. At the same time, it is made clear that the dismissal of the suit and the review petition on the ground that the proceedings were initiated by a wrong entity shall not prejudice or disentitle the temple, which is the real owner of the suit property. The temple, represented by its hereditary trustee, is at liberty to institute appropriate proceedings, in accordance with law, against any alleged encroachers or persons in unauthorised occupation of the temple property. All such rights are expressly left open.

15. Accordingly, the Review Application stands dismissed, subject to the liberty reserved as stated above. No costs.

30.01.2026

dpq

Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation: Yes / No

To

1. The Subordinate Court,
Theni.

2. The District Munsif Court,
Andipatti

7/8



WEB COPY



Rev.Aplc.(MD) Nos.260 to 266 of 2025

DR. A.D. MARIA CLETE, J.

dpq

Rev.Aplc(MD)Nos.260 to 266 of 2025

30.01.2026