

IN THE VI ASSISTANT CITY CIVIL COURT AT CHENNAI

Present: Thiru.N.Mohanraj, B.L.,

VI Assistant Judge

Friday, the 7th day of August, 2026

I.A.No.7/2026

in

OS.No.6531/2024

(CNR.No.TNCH01- 044383 - 2024)

1. Arulmigu Sri Mariyamman Thirukovil
Represented by Hereditary Trustee,
A.Pandian

2. B.Saravannan,
The Secretary,
Arulmigu Sri Mariyamman Thirukovil,
S/o. Balakrishnan

3. V.Palani,
The Treasurer
Arulmigu Sri Mariyamman Thirukovil
S/o. Veeramuthu

... Petitioners/Plaintiffs

-Vs-

1. S.Boopathy
2. P.Dilli
3. A.Sathish Kumar
4. S.Elanchezhiyan
5. P.Kasi
6. K.Senthilkumar
7. R.Deva Raj
8. K.Arumugam

N. Mohanraj

9. S. Vinayaga Moorthi

10. V.Ehamberam

11. R.Mahendran

... Respondents/Defendants

This Petition came up before me for final hearing on 07.08.2026 in the presence of M/s.R.Arunkumar, T.R.Sekaran, K.Manickam, C.Santhoshseetharam, R.Iyyappan, M.Rajesh, R.Kasiviswanathan, learned Counsel for the petitioners/plaintiffs and M/s.A.Prabhakaran, K.Sriman Narayanan, B.Vishnupriya, S.Rama Vithya, M.Vickram, learned Counsel for the Respondents/Defendants, and after hearing the both side arguments, and upon perusing the records and having stood over for consideration till this day, this court delivered the following:-

ORDER

This petition is filed u/s. 151 of CPC to conduct the 97th Annual Festival of Arulmigu Sri Mariyamman Thirukovil, situated at Virugambakkam, West K.K.Nagar, Chennai, including all customary religious ceremonies, rituals, pandhakal, Kappu, Thee Midhi Thiruvizha on 09.08.2026 and other connected festival events, pending disposal of O.S.No.6531 of 2024.

1) **01. Brief averments made in the affidavit filed by the Petitioners is as follows:-**

2) The petitioner has stated that, the suit has been filed by the plaintiffs seeking permanent injunction regarding the administration and affairs of Arulmigu Sri Mariyamman Thirukovil, Virugambakkam, Chennai. The temple's 97th annual

N. Mahendran

festival is in progress and has been conducted continuously for the past 97 years as per the established customs and religious practices. Festival notices have already been circulated and the customary Pandhakal ceremony was performed on 20.07.2026, marking the commencement of the festival. More than 200 devotees have tied Kaappu and are observing religious vows in preparation for the Thee Midhi Thiruvizha (Fire-Walking Festival). The Hon'ble High Court, in W.A. No.1646 of 2025 and W.P. (Crl.) No.124 of 2025, has observed that either party may seek appropriate interim arrangements before the competent Civil Court pending disposal of the suit. Accordingly, the present Interlocutory Application has been filed seeking interim permission as permitted by the Hon'ble High Court. Thousands of devotees are awaiting the annual festival. Any interruption would seriously affect their religious sentiments and the long-standing customs of the temple. The suit relates only to the temple administration. If permission is not granted, the petitioners, temple administration and devotees will suffer irreparable hardship, whereas no prejudice will be caused to the respondents. The petitioners have established a prima facie case. The balance of convenience is in their favour and refusal of relief would result in irreparable loss. Hence filed this petition.

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3) Brief averments made in the Counter affidavit filed by the Respondents are as follows:-

4) The respondents have stated that, the petitioners have filed the suit seeking permanent injunction restraining the respondents from interfering with the management and administration of Arulmigu Sri Mariamman Temple, Virugambakkam. It is submitted that the temple has been under the administration of the local community since 1929. The temple properties were purchased under Sale Deed Nos.2615 and 2616 of 1997. The office bearers were traditionally selected by the local community. However, the petitioners unilaterally formed Arulmigu Sri Mariamman Thirukoil Trust under Document No.218/2023 and attempted to take over the temple administration. The petitioners have no locus standi to create a Trust or assume control over the community temple. Their actions are illegal and unsustainable in law. The Trust created by the petitioners is not legally maintainable. On account of their unlawful interference, the respondents and local devotees objected and requested them not to interfere with the temple administration. The petitioners projected themselves as office bearers under the self-created Trust. Complaints were lodged before the police and revenue authorities, resulting in W.P.No.15468 of 2025, wherein the Hon'ble High Court directed an enquiry regarding the temple administration. The order in W.P.No.15468 of 2025 was set aside in W.A.No.1646 of 2025. The Division Bench issued fresh directions

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regarding the management of the temple. The Tahsildar's enquiry and HR & CE proceedings establish the petitioners' attempt to unlawfully take over the temple. The petitioners have neither locus standi nor any cause of action to seek permanent injunction. An application has also been filed to implead the Assistant Commissioner, HR & CE Department. Though the Division Bench passed orders on 13.08.2025, the petitioners failed to seek permission at the earliest and instead approached the Court belatedly. The petitioners deliberately suppressed the pendency of the writ appeal and obtained permission by filing the present application. They also concealed the schedule fixed for the temple festival. The petitioners are not authorised to conduct the temple festival under the guise of the Trust. Until their rights are established, they cannot claim any authority over the temple administration. The petitioners have no locus standi, no prima facie case and the balance of convenience is not in their favour. The respondents are willing to cooperate for the conduct of the festival as devotees. The Hon'ble High Court, in W.P.(Crl.) No.1818 of 2026, observed that the dispute is pending before the Civil Court and directed that no party shall conduct the temple festival until appropriate orders are obtained. In violation of the orders of the Hon'ble High Court, the petitioners attempted to conduct the temple festival. Complaints were lodged before the police, District Collector and HR & CE Department, and appropriate proceedings were initiated. Further complaints were lodged pursuant to the High Court's order,

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and CSR No.507 was registered. As the petitioners have no legal right or merit, the application is liable to be dismissed.

5) Points for determination:-

- 6) Whether this petition has to be allowed?
- 7) All the documents filed by the plaintiffs and the defendants have been carefully examined and considered.
- 8) In the main suit, the plaintiffs/Petitioner is claiming to be the Hereditary Trustee, Secretary, and Treasurer of the temple, have sought a decree of permanent injunction restraining the defendants from causing any interference with the administration and management of the plaintiffs' temple. The relief sought in the suit is only for **Permanent injunction.**
- 9) The plaintiffs have contended that the temple properties were dedicated to the ancestors of the first plaintiff, namely Shanmuga Nayakkan and others, under a deed dated 06.08.1929, and have based their claim on the said document.
- 10) The plaintiffs have further stated that they established "Arulmigu Mariamman Thirukovil Trust" on 04.07.2023 and have alleged that all the defendants are interfering with the affairs and administration of the temple.
- 11) The defendants have denied all the averments made by the plaintiffs. They have specifically contended that the formation of "Sri Mariamman

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Thirukovil Trust" by the plaintiffs is illegal and that the plaintiffs have no right or authority to establish such a trust.

12) The present interlocutory application was filed on 29.07.2026 and was taken on file on 04.08.2026. It was contended on behalf of the plaintiffs that the temple festival is scheduled to be held on 09.08.2026 and that, therefore, an order should be passed immediately on this day.

13) The plaintiffs have also relied upon the order passed in W.A. No. 1646 of 2025, wherein an order was passed on 13.08.2025. The following order has been passed in the Writ Appeal No.1646 of 2025,

"18. Be that as it may. Now in view of these facts and circumstances, we are inclined to dispose of this writ appeal with the following orders.

(a) The order impugned dated 29.04.2025 made in WP.No.15468 of 2025 is set aside.

(b) The parties are directed to agitate their rights in the pending civil suit in OS.No.6531 of 2024 on the file of the Principal City Civil Court, Chennai.

(c) In this regard, it is open to the HR & CE Department to file an appropriate application to get impleaded as party defendant in the said suit, where, they can raise all issues including the maintainability issue of the suit and that case, the said petition to be filed by the HR & CE Department has to be considered and dealt with in accordance with law.

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(d) Till the final disposal of the civil suit, either parties can seek for any interim arrangement by filing interlocutory applications in the said civil suit itself. If any such interlocutory applications are filed by either party, the same can be considered and decided by the Civil Court taking into account of the available evidence before it and accordingly the interim maintenance of the temple can be ensured smoothly without giving any room for deterioration of law and order."

14) The above said order was passed on 13.08.2025. Thereafter, neither the plaintiffs nor the defendants filed any application for **interim arrangements and interim maintenance of the temple**, but after laps of several months i.e., 11 months the petitioners filed the present application for seeking permission for the plaintiffs to conduct the Theemithi (Fire-Walking) Festival scheduled to be held on 09.08.2026.

15) **The application has been filed even before any determination has been made as to which of the parties—the plaintiffs or the defendants—is legally entitled to conduct the temple festival.**

16) On perusal of Document No. 2 filed by the plaintiffs, it is seen that the plaintiffs had already fixed the dates for the festival and are now seeking permission. In the said document, the Kappu Kattuthal ceremony is shown as scheduled on 05.08.2026. However, in the present application filed on 29.07.2026, it has been stated that the Kappu Kattuthal ceremony had already been completed. These statements are inconsistent with each other and are mutually contradictory.

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17) At the same time, I.A. No. 5 of 2026 is pending before this Court, wherein an application has been filed seeking to implead the Assistant Commissioner, Hindu Religious and Charitable Endowments (HR&CE) Department, as a party to the proceedings. The said application is still pending and has not yet been disposed of.

18) On perusal of Document No. 2 filed by the defendants, it is seen that the Revenue Divisional Officer (RDO) had issued a communication convening a Peace Committee Meeting between both parties on 09.07.2025 at 5.30 p.m. to resolve the disputes relating to the administration of the temple.

19) Further, Document No. 3 refers to an order issued by the Office of the Assistant Commissioner, Chennai, Hindu Religious and Charitable Endowments (HR&CE) Department.

20) Further, on perusal of Document No. 5, it is seen that Mr. Ilanchezhiyan, on behalf of the defendants, addressed a representation dated 28.04.2026 to the District Collector and the officials of the HR&CE Department, stating that if the festival was conducted without an order of the Court, it was likely to result in law and order problems. He therefore requested that the festival should be conducted only under the administration of the HR&CE Department.

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21) Further, Document No. 6 shows that the District Collector addressed a communication to the Commissioner of Police in this regard.

22) The defendants contended that they are not opposing the conduct of the temple festival as such. Their objection is only to the plaintiffs conducting the festival in the capacity of Trustees under their leadership. According to the defendants, the plaintiffs have neither the legal right nor the authority to conduct the temple festival.

23) Upon considering the submissions made by the defendants, it is seen that the Hon'ble High Court of Madras, in its order passed in W.P.1646 of 2025 dated.13.08.2025 had specifically observed that either party is at liberty to file an appropriate application before the competent Court for **interim arangement or interim maintenance of the temple. However, no application has been filed by either party seeking such interim administration.**

24) Instead, the present application has been filed at the eleventh hour merely seeking permission to conduct the temple festival. The defendants have already produced documents to show that, if the plaintiffs are permitted to conduct the festival, there is a likelihood of law and order problems. A copy of the CSR (Community Service Register) acknowledgment has also been produced in support of their contention.

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25) When the question as to whether the plaintiffs are the lawful Trustees has not yet been adjudicated, and when their right over the temple has also not been determined, the plaintiffs cannot seek permission to conduct the temple festival on dates already fixed by them. Such a claim cannot be sustained in law.

Accordingly, the present application filed by the petitioners are dismissed.

Directly dictated to the steno - typist, typed by her, corrected and pronounced by me in open court on this the 7th day of August, 2026.

N. Mohan 7/8/26
VI Assistant Judge,
City Civil Court, Chennai.

Petitioner's side Witnesses : Nil.

Petitioner's side Exhibits:-

- Ex.P1 Order Copy in W.A.No.1646 of 2025 W.P.(CRL).No.124 of 2025 (Online Copy)
- Ex.P2 Pamphlet of Arulmigu Sri Mariyamman Thirukovil (Original)
- Ex.P3 Photo Copy of the Pandhakal
- Ex.P4 Copy of a complaint on 20th July 2026

Respondent's side Witnesses : Nil.

Respondent's side Exhibits:-

- Ex.R1 Copy of Order in W.P.No.15468/2025
- Ex.R2 Enquiry notice issued by RDO
- Ex.R3 Proceedings of Assistant Commissioner HR & CE
- Ex.R4 Copy of Order in WA.No.1646/2025
- Ex.R5 Copy of Representation made by the 4th Respondent
- Ex.R6 Proceedings of District Collector
- Ex.R7 Proceedings of Joint Commissioner HR & CE
- Ex.R8 Copy of the CSR No.416
- Ex.R9 Copy of Order in W.P.(Crl).No.1818/2026
- Ex.R10 Copy of the representation dated 30.07.2026
- Ex.R11 Copy of CSR No.507

N. Mohan 7/8/26
VI Assistant Judge,
City Civil Court, Chennai.