

IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE, DINDIGUL

**Present : Thiru.Swarnam J Rajagopalan,B.A.B.L.,(Hons)
Additional District Judge, Dindigul.**

Wednesday, the 18th day of February 2026

I.A. No.3/2025
in
O.S. NO. 184 / 2025

Arulmigu Sri Bommayasamy
Malai Kovil belonging to Rajakambala Naickers
of J.Puthukkottai Represented by B.Kanagaraj
Son of Bomminaicker

...Petitioner/Plaintiff

/Vs./

- 1) The Special Officer, Seeval Saragu Panchayat, Seeval Saragu, Aathur taluk, Dindigul District.
- 2) The Block Development Officer, Union Office, Aathur Taluk, Dindigul District.
- 3) The Thashildar, Aathur Taluk, Dindigul District.
- 4) The Revenue Divisional Officer, Revenue Divisional Office, Dindigul.
- 5) The District Revenue Officer, Collector Office, Dindigul.
- 6) State of Tamil Nadu Represented by The District Collector, Dindigul.

...Respondents/Defendants

This application is coming before me on 09.02.2026 for final hearing in the presence of Advocate for the petitioner Thiru. K.Muthuvel, Advocate for the 2nd to 6th Defendant Thiru.S.Soosai Robert and 1st Defendant called absent set exparte and perusing the material records and stood over for consideration till this date, this court delivers the following:

ORDER

This I.A. is filed Under Order 39 rule 1 and 2 of C.P.C., for temporary injunction restraining the respondents/defendants and their men and agents from interfering in any manner with the peaceful possession and enjoyment of the suit property by the plaintiff till the disposal of the suit and an ad-interim injunction to the same effect till the disposal of this application and thus render justice.

1. BRIEF AVERMENTS IN THE PETITION:

- i. The case of the petitioner, as set out in the affidavit filed in support of the petition, is briefly as follows:
- ii. The suit has been instituted on behalf of Arulmigu Sri Boomayasamy Malai Kovil Temple, represented by the Rajakambala Naickers of J. Pudukkottai and their Kula Pangalis, who are stated to be the exclusive worshippers of the temple. The main suit has been laid seeking a declaration that the suit property is the absolute property of the plaintiff temple and for a consequential permanent injunction restraining the defendants from in any manner interfering with the peaceful possession and enjoyment of the temple properties.
- iii. According to the petitioner, the plaintiff temple is a private temple belonging exclusively to the Rajakambala Naickers community of J. Pudukkottai village. It is asserted that from time immemorial, the members of the said community alone have been performing daily poojas and religious rituals, and no members of the general public or other communities have ever exercised any right of worship therein. The contributions for the temple are said to have been made solely by the Rajakambala

Naickers of the village, and no third-party contributions were received. It is further stated that there is neither a hundial nor a flagstaff installed in the temple, indicative of its private character.

- iv. The petitioner would further state that during the annual Panguni festival, more than 5,000 Rajakambala Naickers Pangalis assemble as a matter of customary practice, and two festivals are celebrated every year in a grand manner. During such festivals, events such as “Yerudhumadu Thiruvizha” are conducted, and customary worship is offered to the Nadukkal and Kambam installed within the temple premises. It is emphatically contended that the temple has never been declared as a public temple and that the provisions of the H.R.&C.E. Act have never been invoked or enforced in respect of the temple, nor has the Department exercised any administrative control over its affairs at any point of time.
- v. The temple properties are stated to comprise lands in Survey Nos. 604 and 605, measuring a total extent of 13 acres and 86 cents, which, according to the petitioner, have been in the possession and enjoyment of the trustees from time immemorial for temple purposes. Though the lands are classified as Government Poramboke in the ‘A’ Register and Adangal extracts, the classification in the relevant column describes the land as “Kovil”. The petitioner would contend that the entire extent constitutes temple poramboke and that neither the Government nor its instrumentalities can lay any claim over the same.
- vi. It is further averred that in the year 1967, the Seeval Saragu Village Panchayat Board attempted to encroach upon the temple properties by putting up constructions. Consequently, the trustees instituted a civil suit before the District Munsif Court,

Dindigul, seeking declaration and recovery of possession based on possessory title. The said suit culminated in a compromise decree dated 20.08.1968, whereby out of the total extent of 13 acres and 86 cents, an extent of 10 acres and 86 cents in Survey Nos. 604 and 605 was declared to belong to the plaintiff temple and possession thereof was delivered free from obstruction. The Panchayat Board was permitted to retain only 3 acres for construction purposes, without causing any hindrance to the temple worship.

vii. According to the petitioner, despite the compromise decree, no sub-division was effected in the revenue records for the 3 acres allotted to the Panchayat, and even as on date, the entire extent continues to be classified as “Kovil” in the revenue records. An application made in the year 1972 before the Tahsildar, Athoor, for grant of patta was rejected on the ground that the entire extent stood classified as temple land in the village accounts.

viii. The petitioner further states that recently funds have been sanctioned by the Government for construction of a playground through the local Panchayat. While the petitioner has no objection to construction within the 3 acres situated in the south-western corner of Survey No. 604, it is contended that the authorities cannot encroach upon or construct upon the remaining extent of 10 acres and 86 cents belonging to the temple.

ix. It is alleged that on 05.03.2025, Government officials attempted to take possession of the entire property, leaving only the temple structure. Upon such attempt, a large number of Rajakambala Naickers assembled and resisted the officials, who thereafter withdrew. Apprehending dispossession, the plaintiff issued a

public notice in the “Thinathandi” newspaper on 07.03.2025 and has filed the present petition seeking an order of temporary injunction restraining the respondents, their men and agents, from interfering with the peaceful possession and enjoyment of the suit property, pending disposal of the suit, which pertains to the extent of 10 acres and 86 cents.

2. BRIEF AVERMENTS IN THE COUNTER:

- i. The 3rd Respondent has filed a counter affidavit, which has been adopted by respondents 1, 2, and 4 to 6.
- ii. The respondents contend that any temple constructed and used by the public is to be treated as a public temple, and no particular community can claim exclusive rights of worship or exclude others. According to them, the petitioners cannot assert exclusive rights over the temple or deny access to members of other communities.
- iii. It is further contended that except for the classification of the land as Government Poramboke with the description “Temple” in the ‘A’ Register, the petitioners have not produced any documentary evidence to establish title over the entire extent. The alleged earlier civil suit and compromise decree have not been properly detailed, as neither the case number nor relevant records have been furnished, and the respondents claim to have no knowledge of the same.
- iv. The respondents further state that the lands in Survey No. 604 are situated in Seeval Saragu Panchayat, Athoor Taluk, Dindigul District, and that by proceedings dated 29.05.2022, the lands were placed under the control of the District Sports Department. It is stated that on 04.05.2025, the foundation stone for the construction of a District Sports Centre was laid through video conference by the Hon’ble Deputy

Chief Minister.

- v. According to the respondents, the temple is situated only in Survey No. 604/1 on the eastern side, and the proposed construction will not affect any pathway rights or the conduct of temple festivals. They assert that there is sufficient land available for worship and celebration of festivals and that the construction of the Sports Centre would not in any manner impede religious activities.
- vi. The respondents further contend that the temple structure measures only about 10 feet by 10 feet and that the petitioners have not produced any revenue records, electricity service connection documents, tax receipts, or other materials to demonstrate possession over the entire extent of land claimed. It is thus contended that the lands are Government lands and do not belong to the temple, that no cause of action has arisen for filing the suit, and that the petitioners have failed to establish a prima facie case warranting grant of temporary injunction. The respondents therefore seek dismissal of the petition.

3. Heard learned counsels for the parties.

4. The learned counsel for the petitioners would contend that the suit temple is a private denominational temple belonging exclusively to the Rajakambala Naickers of J. Pudukkottai and their Kula Pangalis. According to the petitioners, the temple and its surrounding lands in Survey Nos. 604 and 605 measuring 13 acres and 86 cents have been in their continuous possession and enjoyment from time immemorial.

5. It is further submitted that under a compromise decree dated 20.08.1968 passed by the competent civil court in earlier proceedings against the Panchayat Board, an extent of 10 acres and 86 cents was recognized as belonging to the temple, and the Panchayat was permitted to retain only 3 acres. The petitioners would assert that the said decree affirms their possessory title.

6. Learned counsel would argue that though the revenue records classify the lands as Government Poramboke, the description column mentions “Kovil,” thereby reflecting its character as temple land. It is contended that revenue records are fiscal in nature and do not confer title upon the Government. The recent attempt by the authorities to proceed with construction of a District Sports Centre is stated to amount to unlawful interference with the temple’s possession, warranting interim protection.

7. Per contra, the learned Government Pleader would submit that the lands in question are classified as Government Poramboke in the revenue records and are under the control of the State, having been placed under the District Sports Department by proceedings dated 29.05.2022. The foundation for the District Sports Centre has already been laid.

8. It is contended that the petitioners have not produced any title deed, grant, patta, tax receipt, electricity service connection record or other documentary evidence evidencing ownership over the entire extent claimed. The alleged compromise decree has not been substantiated with complete particulars and, in any event, cannot override Government title, if any.

9. The respondents would further contend that any temple used by the public is presumed to be a public temple and that no exclusive right can be claimed by a particular community without strict proof. The proposed construction, it is stated, does not affect the temple structure or religious practices. According to the respondents, no prima facie case has been established for grant of temporary injunction.

10. On the side of petitioner Ex.P1 to Ex.P31 marked. Ex. P1 is the Certified copy of Revision of survey and Resettlement register Dated 19.06.1922; Ex. P2 is the Certified copy of Adangal Extract for Fasli 1365; Ex. P3 is the Certified copy of Adangal Extract for Fasli 1366; Ex. P4 is the Certified copy of Adangal Extract for Fasli 1367; Ex. P5 is the Certified copy of Adangal Extract for Fasli 1368; Ex. P6 is the Certified copy of Adangal Extract for Fasli 1369; Ex. P7 is the Certified copy of Adangal Extract for Fasli 1370; Ex. P8 is the Certified copy of Adangal Extract for Fasli 1371; Ex. P9 is the Certified copy of Adangal Extract for Fasli 1373; Ex. P10 is the Certified copy of Adangal Extract for Fasli 1374; Ex. P11 is the Certified copy of Adangal Extract for Fasli 1375; Ex. P12 is the Certified copy of the Complaint filed in O.S.158/1967 before District Munsif court, Dindigul; Ex. P13 is the Certified copy of the Written Statement filed in O.S.158/1967 before District Munsif court, Dindigul by president, Seeval Saragu Panchayat; Ex. P14 is the Certified copy of Resolution dated 27.06.1968 passed by Seeval Saragu Panchayat; Ex. P15 is the Certified copy of Settlement of compromise filed by both the parties and orders passed thereon 20.08.1968; Ex. P16 is the Certified copy of Decree and terms of compromise and description of property, appended with Decree passed in O.S.158/1967 by District Munsif court, Dindigul on 20.08.1968; Ex. P17 is the Certified copy of Suit Register extract of

O.S.158/1967, by District Munsif court, Dindigul on 20.08.1968; Ex. P18 is the Certified copy of Memo received from Tahsildar, Dindigul dated 28.11.1972; Ex. P19 is the Online copy of Encumbrance certificate for S.No.600/1; Ex. P20 is the Online copy of Encumbrance certificate for S.No.601/1; Ex. P21 is the Online copy of Encumbrance certificate for S.No.603/1; Ex. P22 is the Online copy of Encumbrance certificate for S.No.606/1; Ex. P23 is the Online copy of “A” Register and FMB for S.No.604 and 605; Ex. P24 is the Original copy of ஸ்ரீ பொம்மையசாமி மாலைக்கோவில் மகாகும்பாபிஷேகம் அழைப்பிதழ்; Ex. P25 is the Original copy of மாலைதாத்தையா மாலைக்கோவில் மாலைதாண்டும் பெருவிழா அழைப்பிதழ்; Ex. P26 is the Original copy of மாலைத்தாண்டுதல்(எருதோட்டம்) விழா தினமலர் பத்திரிக்கை செய்தி; Ex. P27 is the Original copy of மாலைத்தாண்டுதல் (எருதோட்டம்) விழா தினகரன் பத்திரிக்கை செய்தி; Ex. P28 is the Original copy of மாலைத்தாண்டுதல் (எருதோட்டம்) விழா தினத்தந்தி பத்திரிக்கை செய்தி; Ex. P29 is the Original copy of Legal Notice issued to all the defendants with postal receipts and acknowledgement cards.(Nos.); Ex. P30 is the Original copy of பொது அறிவிப்பு தினத்தந்தி நாளிதழ்; Ex. P31 is the Original copy of Rough Sketch. On the side of respondents, “A” Register extract and FMB, Photograph were marked as Ex.R1 and R2, R3.

11. **Points for Determination**

- (i) Whether the petitioners have established a prima facie case of title and lawful possession over the suit property measuring 10 acres and 86 cents?
- (ii) Whether the entries in the revenue records conclusively establish title in favour of

the Government and if so, whether the petitioners are entitled to the discretionary relief of temporary injunction pending disposal of the suit?

12. Discussion and Reasoning:

The present suit is one for Arulmigu Sri Bommayasamy Malai Kovil, J.Puthukkottai as the absolute owner of the property described here under and consequential permanent injunction restraining the defendants and their men and agents from in anyway interfering with the peaceful possession and enjoyment of the property and for costs.

The core issue between the parties relates to title over the suit property. At the interlocutory stage, this Court is not expected to conclusively determine title but must examine whether a strong prima facie case warranting interim protection has been made out.

13. It is trite law, as consistently held by the Hon'ble Supreme Court and our Hon'ble High Court in catena of decisions, that revenue records such as patta, chitta, adangal or 'A' Register entries are maintained primarily for fiscal purposes and do not, by themselves, confer title. Mutation entries or classification as Government Poramboke cannot be treated as documents of title. Title must be established independently by cogent evidence. Therefore, the respondents cannot claim ownership solely on the basis of revenue classification.

14. Equally, the petitioners also cannot rest their claim exclusively on revenue descriptions indicating "Kovil" or on long possession without establishing lawful origin of title continuation possession. This Court has also perused the original 'A' Register extracts

produced before it. Significantly, the entries therein do not reflect the name of the plaintiff temple or its trustees as pattadars or persons in occupation and merely shown as 'Kovil'. The classification continues to stand as such and there is no entry indicating recognition of private ownership in favour of the plaintiff temple's name. Though the petitioners rely upon a compromise decree dated 20.08.1968, it remains unexplained as to why, if indeed 10 acres and 86 cents were declared to belong to the temple and possession delivered, no consequential mutation of revenue records was effected for more than five decades. After the said decree. No material has been placed to show that steps were taken to have the decree reflected in the revenue accounts or that any proceedings were initiated for subdivision and issuance of patta pursuant thereto. The absence of such follow-up action prima facie weakens the plea of settled and recognized possession. Thus the compromise decree of the year 1968, the scope, binding nature and effect of the said decree, particularly vis-à-vis the present respondents and the Government, are matters requiring detailed examination during trial. These are mixed questions of fact and law which cannot be conclusively adjudicated at the stage of interim relief.

15. In a suit for declaration of title, where serious disputes exist regarding ownership of Government Poramboke land, the Court must exercise circumspection in granting interim injunction that may virtually amount to granting the final relief itself. The petitioners seek to restrain the State from dealing with the property, asserting exclusive title. Granting such protection at this stage would, in effect, presume title in favour of the petitioners, which is yet to be established.

16. The balance of convenience also does not tilt decisively in favour of the petitioners. The respondents assert Government ownership and administrative control, whereas the petitioners assert private denominational ownership. In the absence of clear and unimpeachable evidence of title at this interlocutory stage, it would not be appropriate to interdict State action solely on the basis of disputed rival claims of possession and title.

17. It is further submitted by the learned Government Pleader that substantial civil works have already been ongoing in the subject property for establishment of the District Sports Stadium, and photographs evidencing the ongoing construction have been produced before this Court. The said materials not been controverted by the petitioners and according to the respondents, would demonstrate that the property is under active administrative control of the Government and about to be put to public use and thus the contention of the petitioner that they are in possession and be injuncted does not prima facie appeal to this court.

18. In the context of a suit for declaration of title, where the very foundation of ownership is in serious dispute, and when the contemporaneous revenue records do not disclose the name of the plaintiff temple, coupled with the admitted commencement of civil works by the Government, this Court is unable to hold that a clear prima facie case of lawful possession has been established by the petitioners for the whole of the suit properties.

19. Accordingly, this Court is of the considered view that the petitioners have failed to satisfy the essential requirement for grant of temporary injunction. The relief is therefore declined, leaving the parties to substantiate their respective claims in the main suit, which

shall be adjudicated independently on the basis of evidence to be adduced at the time trial. Accordingly, the petition for temporary injunction is liable to be dismissed, leaving the parties to establish their respective rights in the main suit.

In the result, the petition in I.A.No.3 of 2025 is dismissed and in the circumstances of the case there shall be no order as to costs.

Dictated to steno-typist and directly typed by her in the computer, corrected and pronounced by me in open Court this 18th day of February 2026.

**Additional District Judge,
Dindigul.**

**Annexure:
Petitioner side Witnesses**

**- Nil-
Petitioner side Exhibits:**

S.No	DATE	Particulars	Nature
1.	20.09.1966	Revision of survey and Resettlement register Dated 19.06.1922	Certified copy
2.	20.09.1966	Adangal Extract for Fasli 1365	Certified copy
3.	20.09.1966	Adangal Extract for Fasli 1366	Certified copy
4.	20.09.1966	Adangal Extract for Fasli 1367	Certified copy
5.	20.09.1966	Adangal Extract for Fasli 1368	Certified copy
6.	20.09.1966	Adangal Extract for Fasli 1369	Certified copy
7.	20.09.1966	Adangal Extract for Fasli 1370	Certified copy
8.	20.09.1966	Adangal Extract for Fasli	Certified copy
9.	20.09.1966	Adangal Extract for Fasli 1373	Certified copy
10.	20.09.1966	Adangal Extract for Fasli 1374	Certified copy
11.	20.09.1966	Adangal Extract for Fasli 1375	Certified copy
12.	08.10.1968	Plaint filed in O.S.158/1967 before District Munsif court, Dindigul.	Certified copy
13.	08.10.1968	Written Statement filed in O.S.158/1967 before District Munsif court, Dindigul by president, Seeval Saragu Panchayat.	Certified copy
14.	08.10.1968	Resolution dated 27.06.1968 passed by Seeval Saragu Panchayat	Certified copy

15.	08.10.1968	Settlement of compromise filed by both the parties and orders passed thereon 20.08.1968	Certified copy
16.	08.10.1968	Decree and terms of compromise and description of property, appended with Decree passed in O.S.158/1967 by District Munsif court, Dindigul on 20.08.1968	Certified copy
17.	11.04.2023	Suit Register extract of O.S.158/1967, by District Munsif court, Dindigul on 20.08.1968	Certified copy
18.	30.11.1972	Memo received from Tahsildar, Dindigul dated 28.11.1972	Certified copy
19.	17.03.2023	Encumbrance certificate for S.No.600/1	Online Copy
20.	17.03.2023	Encumbrance certificate for S.No.601/1	Online Copy
21.	17.03.2023	Encumbrance certificate for S.No.603/1	Online Copy
22.	17.03.2023	Encumbrance certificate for S.No.606/1	Online Copy
23.	----	"A" Register and FMB for S.No.604 and 605	Online Copy
24.	05.02.2023	ஸ்ரீ பொம்மையசாமி மாலைக்கோவில் மகா கும்பாபிஷேகம் அழைப்பிதழ்	Original
25.	10.04.2023	மாலைதாத்தையா மாலைக்கோவில் மாலைதாண்டும் பெருவிழா அழைப்பிதழ்	Original
26.	11.04.2023	மாலைத்தாண்டுதல்(எருதோட்டம்) விழா தினமலர் பத்திரிக்கை செய்தி	Original
27.	11.04.2023	மாலைத்தாண்டுதல்(எருதோட்டம்) விழா தினகரன் பத்திரிக்கை செய்தி	Original
28.	11.04.2023	மாலைத்தாண்டுதல்(எருதோட்டம்) விழா தினதந்தி பத்திரிக்கை செய்தி	Original
29.	25.01.2025	Legal Notice issued to all the defendants with postal receipts and acknowledgement cards.(Nos.6)	Original
30.	07.03.2025	பொது அறிவிப்பு தினத்தந்தி நாளிதழ்	Original
31.	----	Rough Sketch	Original

2 to 6th Respondents Side Witnesses-Nil-

2 to 6th Respondents Side Exhibits:

S.No	DATE	Particulars	Nature
1.	**	"A" Register	Xerox- copy
2.	**	Field Measurement Book for S.No.604	Xerox- copy
3.	**	Photo copy	Xerox- copy

**Additional District Judge,
Dindigul.**