

In the Court of Principal District Judge, Kanyakumari District at Nagercoil.

Present : Thiru B. Karthikeyan, B.L.,
Principal District Judge.

Wednesday, the 23rd day of April, 2025.

I.A. No.4/2024 in O.S. No. 276/2022

M/S Vishwa Hindu Vidya Kendra,

A registered society represented by

it's General Secretary Dr.Girija Seshadri.

... Petitioner/Plaintiff

-Vs-

1. The Joint Commissioner/Executive Officer,

Hindu Religious and Charitable Endowment Department,

Kanyakumari District Temples, Suchindram, Kanyakumari.

2. The Manager,

Arulmigu Bhagavathi Amman Temple,

Kanyakumari.

... Respondents/Defendants 3 & 5

This petition coming on 30.01.2025 for final hearing before me in the
presence of

Thiru R. Balakrishnan - Advocate for the petitioner

Thiru N. Nallasivan Pillai - Advocate for the respondents

and upon hearing both side and upon perusing the materials available on record
and having stood over for consideration till this day, this court delivered the
following:

ORDER

This petition has been filed by the petitioner/plaintiff under Order XI Rule 14 of CPC, for a direction to the respondents/defendants 3 and 5 to produce the following documents by stating that they have been referred in the order passed by the 2nd defendant is M.P.No. 2/2012 dated 29.03.2022.

S. No.	Date	Details of the Documents	Referred in
1.		Old Settlement Register pertaining to S.No.1 to 122.	Page No.6, Para-2 of the Suit Document No.20.(Orders passed by the 2 nd defendant)
2.		Settlement Land Register for Resurvey No.678/71 of Kanyakumari Village Title Deeds.	Page No.6, Para -2 of the Suit Document No.20. (Orders passed by the 2 nd defendant)
3.		Register and Records and account books pertaining to the suit property.	Page No.3, Para-2 of the Suit Document No.20. (Orders passed by the 2 nd defendant)
4.		The records pertaining to the permissive possession granted to S.Venkitachalam Iyer by the Devaswam or Executive Officer of the 3 rd defendant or his Subordinates.	Para No.5 of the Written Statement, and Page No.2, first 5 lines of the Suit Document No.20.((Orders passed by the 2 nd defendant)

2. The 3rd defendant has been arrayed as 1st respondent and the 5th defendant arrayed as the 2nd respondent.

3. The 1st respondent filed a counter which was adopted by the 2nd respondent in, and by which, the petition averments have been denied. However, it would be conceded that the 1st respondent is only having xerox copies of old settlement register pertaining to Sy.No.1/1 to 122 and settlement land register for Re.Sy.No.678/41 Kanyakumari Village and they have not produced any settlement register with regard to Re.Sy.No.678/71 as stated in the list of documents. The 1st respondents 1 and 2 would also state that the respondents are ready to produce the available xerox copies of the documents listed as Sl.No.1 and 2.

4. Heard both. Perused the materials on record.

5. **The point for consideration that arises in this petition is :-**

(i) Whether the present petition deserves to be allowed ?

6. **Point No.(i):-**

As the respondents concede to produce the xerox copies of Sl.Nos.1 and 2 of the list of documents sought for by the petitioner and it is only the copies of documents which has been sought for by the petitioner, the petition with regard to the documents list as Sl.No.1 and 2 deserves to be allowed.

7. As far as the documents mentioned Sl.No.3 is concerned this court finds that the description of the document is vague and the respondents cannot be directed to produce any such document without providing specific description of

the document.

8. In so far as Sl.No.4 document is concerned, the respondents in their counter statement has stated that only permissive possession was given to S.Venkatachalam Iyer by the then officer of the Incorporated and Unincorporated Deveswoms, Kanniyakumari District at Suchindram (now as Kanyakumari District Temples Head Office Suchindram). It appears the respondents claim that no document is available with regard to this contention of permissive possession.

9. Recording the same, this court is of the view that the petition deserves to be allowed partly, and in respect of documents sought for as Sl.No.1 and 2 in the petition and the petition in respect of the other documents deserves to be dismissed.

10. In the result, this petition is partly allowed in respect of documents sought for as Sl.Nos.1 and 2 of the petition. The respondents are directed to produce within one week the documents listed as Sl.Nos.1 and 2 of the petition. With regard to the other documents the petition is dismissed.

Dictated to the Steno-typist, transcribed and typed by her, corrected and pronounced by me in open court, this the 23rd day of April, 2025.

Principal District Judge,
Kanniyakumari at Nagercoil.

Principal District Court, Nagercoil.
Fair Order in
I.A.No.4/2024 in
in OS No. 276/2022
Dt.: 23.04.2025