

IN THE COURT OF SUBORDINATE COURT, METTUR

Present: Thiru. L. Kamalakannan, B.A., M.L.,
Subordinate Judge, Mettur

Thursday, the 06th day of March 2025
22nd day of Tamil Month Masi, Kurothi year, Thiruvalluvar year 2055

I.A.No: 2 of 2025

in

O.S.No. 51 of 2025

Govindan

... Petitioner / Plaintiff

/Versus/

1. Kaveri
2. Madhesh
3. T.A.Murugan
4. Periyasamy
5. Chinnapaiyan
6. Arjunan
7. Muthusamy

... Respondents / Defendants

This petition is coming on 06.03.2025 for final hearing before me in the presence of Thiru. S. Peter Raj, advocate appearing for Petitioner / Plaintiff and Thiru. P.S.Sundararajan advocate appearing for Respondents, upon perusing material papers, documents and hearing both side arguments and having stood over for consideration of this court till this day, the court delivers the following:

ORDER

The Petitioner has filed this petition under Order 39 Rule 1 & 2 and Section 151 of Civil Procedure Code seeking to pass an order of an ad-interim temporary injunction in favour of petitioner against the respondents restraining the respondents and their henchment from in any way conducting pooja by omitting the petitioner, the festival (பச்சை அழைப்பு பூஜை திருவிழா) to the suit temple to be conducted on 07.03.2025.

2. Brief averments contained in affidavit of Petitioner:

The Petitioner has filed the suit for the relief of Declaration and Permanent Injunction in favour of petitioner, against the respondents. The suit property is Sri

Periyandichi Amman Temple situated at Parappatty, Olaippatty Village, Mettur Taluk, Salem District. The petitioner is the Periyapoosari of the Temple. The petitioner perfected title as periyapoosari to said Sri Periyandichi Amman Temple as per the performing pooja Agreement Deed (பூஜை முறை பாத்திய ஒப்பந்தப் பத்திரம்) dated on 20.03.2012. The petitioner as well as the respondents and some deceased persons namely Palaniyappan, Kaveriyappan and Perumal have entered a deed in respect of performing pooja to the said Sri Periyandichi Amman Temple and the same had been registered under the D.No.44/2012 at Sub Registrar's Office, Mecheri on 20.03.2012. The version of the pooja performing agreement deed goes to show that the 1st Respondent Kaveri is being the trustee of the temple and Petitioner Govindan is being the Periya poosari, 2nd Respondent Madhesh is being the Chinna poosari, 3rd Respondent T.A.Murugan is being the Padakalam Poosari, 4th Respondent Periyasamy is being the Kannimar poojai Murai, 5th Respondent Chinnapaiyan is being the Kidavetti Poosari, 6th Respondent Arjunan is being the Katteriyamman Poosari, 7th Respondent Muthusamy is being the Sakthi Kirakam Poosari of Sri Periyandichi Amman Temple respectively. Moreover the Petitioner as well as the respondents herein had also jointly purchased a piece of land in order to construct terrace house to keep and to preserve the idols and other pooja article and the same had been registered under the D.No.1961/2011 at Sub registrar's Office, Mecheri dated 03.05.2011.

3. As per the performing pooja agreement deed the Petitioner as well as Respondents have been performing pooja's and other activities relating to the temple without any hindrances and interruptions in earlier days. After the execution of performing pooja agreement deed, the Petitioner as well as the Respondents had celebrated festival. Before ever conducting the festival for suit temple, the Petitioner has submitted a representation on 19.02.2012 before the Inspector of Police, Mecheri to give protection and to give Bandhobust for the festival conducted at the suit temple. But recently misunderstandings resentment arose between the Petitioner and Respondents in respect of performing pooja as allotted as per the pooja performing agreement deed, dated 20.03.2012. The Respondents illegally joining hands with each other and obstruct the petitioner from

entering into the temple and also denying the right of the petitioner over the temple. The petitioner lodged a complaint before the Police officials Mecheri on 27.02.2025, restraining the respondents from in any way performing the Petitioner's periya poosari right over the suit temple by omitting the petitioner herein. But the police officials mecheri blatantly refused to entertain the petition produced by the petitioner herein. The respondents are also trying to conduct festival for the suit temple on 07.03.2025 by omitting the petitioner from performing periyapoosari pooja at the temple and respondents had also published a pamphlet as if they are going to conduct the "பச்சை அழைப்பு பூஜை திருவிழா" at the suit temple. Moreover the cloud is cast in respect of the Petitioner's right over the suit temple as periyapoosari and also obstructing the Petitioner from performing periyapoosari at the temple. It becomes necessary to pass an order of an ad-interim temporary injunction in favour of Petitioner against the Respondents restraining the respondents and their henchment from in any way conducting pooja by omitting the Petitioner, the festival (பச்சை அழைப்பு பூஜை திருவிழா) to the suit temple to be conducted on 07.03.2025 by an order of ad-interim temporary Injunction.

4. Brief averments contained in counter filed by the 6th respondent and adopted by 1 to 5 and 7th Respondents:

The petition is false, frivolous, vexatious and unsustainable in law and on facts. The respondents does not admit any of the allegations made in the affidavit filed along with the petition except those that are specifically admitted herein and put the petitioner to strict proof of those allegations not so admitted herein. The respondents denies the averment made in the 4th paragraph of the affidavit that the Petitioner has perfect title as Periyapoosari to the Periyandichi Amman Temple as per the agreement deed which is duly registered on 20.03.2012 in Doc.No. 44 / 2012. It is admitted that 1st Respondent is trustee of the said Temple, 2nd Respondent is Cinnapoosari, 3rd Respondent is Padakalam Poosari, 4th Respondent is Kannimar Poojai murai, 5th Respondent is Kadavetti Poosari, 6th Respondent is Katteri amman Poosari, 7th Respondent is Sakthi Kiragam respectively. It is also admitted that on 03.05.2011, a piece of land was purchased to preserve the idols and

other pooja articles of the said temple under doc. no. 1961 / 2011. It is also admitted that the Respondents are also prepared to conduct the festival for the suit temple on 07.03.2025, but on the same time it is denied that the respondents are omitting the Petitioner from performing pooja. It is also admitted that, the respondents published a pamphlet with head of "பச்சை அழைப்பு பூஜை திருவிழா". The petitioner has suppressed many material facts.

5. The suit property which is situated in Government Puramboke mayanam land and since the petitioner cannot seek any relief without adding the Government Officials, as a party to the suit. Whenever the relief sought by the Petitioner in respect of the declaration of title owner of the suit land property is very necessary or otherwise, the suit will be void at limini. The description of the property has not clearly shown or definite by the petitioner even without measuring the S.Nos. of the suit property. The petitioner mention property is totally a cloud and not a sunlight. The petitioner is not a good and confidential person in a public. Due to the misappropriation of the temple fund, during the year 2015, who was neglected by the other co-administrative worker i.e, the respondents herein and public. The temple was put up 40 years back by the family pangalis. The right holder and devotees devolved of the said temple were in more than 400 families to run the continuous festival yearly. No one cannot get any individual right to stop the festival by his inconvenience or illegal molafied intention. The festival was continuously celebrated every year by year. The petitioner was not participated from 2015 onwards on account of his illegal character on administrating the temple money. The petitioner was also removed from his performing work at temple by all other pangalees. That document of agreement and recital of the document which is also totally connected with some other parties and some other property except parties in the suit and suit property and which are not connected with this property.

6. The celebration is fixed on 07.03.2025 and also all the formalities prior to the celebration are totally arranged and prepared. The preparation of கங்கானம் கட்டுதல், குடும்பத்துடன் விரதம் இருத்தல், பெண்கள் பூஜை கூடை எடுப்பதற்கான தயார் நிலை, பந்தல் அமைத்தல், மைக்செட் அமைத்தல், சிலை அலங்காரம் செய்தல், வான

வண்டி வேடிக்கை தயார்நிலை, பம்பை மேளம் தயார் நிலை, லைட் செட்டிங் அமைத்தல், பூஜை பொருட்கள் முதலிய அனைத்து வேலைகளும் முடிவடைந்து விட்டன. The petitioner come forwarded to attempt and disturb the peaceful celebration of the temple. The petitioner has not allotted any particular work to the temple during the celebration of session as per the recital of the agreement deed. The every respondents are having right and allotted to do the pooja work and thereby there is no any defect regarding the rights of the petitioner will arise. This petition is not maintainable as per law. Whenever the specific tile is disputed or cloud in nature there is no right of temporary injunction will arise to the petitioner. Petition may be dismiss with heavy costs.

7. **Point for consideration:**

Whether the petition is allowed or not?

8. Heard both sides and documents perused. Both side oral evidence not adduced. Exhibit P1 to Exhibit P11 marked on behalf of petitioner and Exhibit R1 to Exhibit R4 marked on behalf of Respondents.

9. **Point:**

On perusal of case records it is found that the petitioner has come forward with this petition for injunction restraining the respondents from conducting the பச்சை அழைப்பு பூஜை திருவிழா at petition mentioned temple. The petitioner has stated that he has been vested with right of performing pooja in the petition mentioned temple as Periya Poosari vide Exhibit P1. On perusal of Exhibit P1 it reveals that an agreement has been prepared by vesting rights to Petitioner and Respondents in performing pooja in the petition mentioned temple. The same has been duly registered. The respondents have admitted in their counter that 1st Respondent is trustee of the said Temple, 2nd Respondent is Cinnapoosari, 3rd Respondent is Padakalam Poosari, 4th Respondent is Kannimar Poojai murai, 5th Respondent is Kadavetti Poosari, 6th Respondent is Katteri amman Poosari, 7th Respondent is Sakthi Kiragam respectively. The same has been stated in Exhibit P1. But they deny that the Petitioner cannot derive any right as Periya Poosari as per Exhibit P1.

When the rights regarding the respondents mentioned in the documents have been admitted by them, they cannot deny the right mentioned of Petitioner as Periya Poosari as stated in Exhibit P1. Moreover, it has been admitted by the respondent in their counter that on 03.05.2011, a piece of land was purchased to preserve the idols and other pooja articles of the said temple under doc. no. 1961 / 2011, the certified copy of said document has been marked as Exhibit P2. The Sale deed reveals that the Petitioner and the Respondents are the administrative committee members of the petition mentioned temple.

10. The respondents have stated that due to the misappropriation of the temple fund, during the year 2015, the Petitioner was neglected by co-administrative workers i.e., Respondents and public. It has been admitted by the Respondents that the Petitioner is Co-administrative worker. The only objection raised by them against the Petitioner is that the Petitioner has misappropriated the temple fund during the year 2015. To substantiate their stand the respondents have filed Exhibit R2. On perusal of said document Exhibit R2, it reveals that date 28.11.2015 has been mentioned in the right top corner of the petition. The petition has been given by Kaveri, Darmakartha and 10 Poosaris, Sri Periyandichi Amman Temple to The Inspector of Police, Mecheri, Police Station. The Page no. 3 of petition states that "இது சம்மந்தமாக கோயில் தர்மகர்த்தா மற்றும் பூசாரிகள் 10 பேரும் சேர்ந்து மேற்படி பெரிய பூசாரி கோவிந்தன், அவரது தம்பி பரமன் ஆகியோர் மீது 03.12.2016, 11.03.2017 மற்றும் 22.07.2018 ஆகிய தேதிகளில் மேச்சேரி காவல்நிலையத்தில் மூன்று முறை மனு கொடுத்துள்ளோம்". If the petition was really given by those persons on 28.11.2015 as stated by the Respondents, then how the future events such as 03.12.2016, 11.03.2017 and 22.07.2018 dated petitions have been stated in the petition dated 28.11.2015. Hence, it is hard to believe the document and this court is on considered view that the document has been falsely created against the Petitioner. The other documents Exhibit R3 and Exhibit R4 were similar documents which were complaints given against the Petitioner. But there were no document to show the criminal case registered against the Petitioner based on those complaints.

11. Per contra, the Petitioner has filed the documents Exhibit P3 to Exhibit P10 which

reveals his active participation as Periya Poosari in the petition mentioned temple. The Petitioner has sought for police protection during festival days and has participated during the festival. Hence in the absence of any document to show that the Petitioner has been neglected from performing pooja to petition mentioned temple as Periya Poosari, it is hard to believe that the Petitioner is not participating in the poojas of petition mentioned temple from 2015. The Petitioner has been vested with the right of performing pooja in the petition mentioned temple as Periya Poosari as per Exhibit P1. The right of performing Pooja in petition mentioned temple has been denied by the Respondents. Prima facie case made out. Therefore, the right of Petitioner has to be protected by way of injunction. If the Petitioner was denied of performing pooja in petition mentioned temple, the Petitioner will be put to irreparable loss and hence, the balance of convenience is in favour of Petitioner. It is therefore, this court is inclined to grant injunction in favour of Petitioner. The point is answered accordingly.

12. In the result, the Petition is allowed. Injunction is granted in favour of Petitioner against the Respondents restraining the Respondents and their henchmen from in anyway conducting pooja by omitting the Petitioner, in the பச்சை அழைப்பு பூஜை festival at the petition mentioned temple to be conducted on 07.03.2025. Both parties shall bear their own costs.

Dictated by me to Steno-Typist and typed by her directly in computer, and corrected and pronounced by me in the open court, this the 06th day of March 2025.

**Subordinate Judge,
Mettur**

Petitioner side witness: Nil.

Petitioner side documents:

1.	20.03.2012	Pooja performing agreement deed in respect of Periyandichi Amman Temple, Parappatti, Olaiipatty Village, Mettur Taluk.	Tru Copy
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2.	03.05.2011	Registered sale deed under D.No.1961/2011 in respect of land relating to Periyandichi Amman Temple, Parappatti, Olaiappatty Village, Mettur Taluk.	True copy
3.	19.02.2012	Representation submitted by the plaintiff to the Inspector of Police, Mecheri.	Office copy
4.	16.02.2015	Representation submitted by the plaintiff to the Inspector of Police, Mecheri.	Office copy
5.	02.03.2022	Representation seeking police protection while conducting festival for the suit temple submitted to the Sub Collector, Mettur	Original
6.	03.03.2022	CSR Receipt issued by the Inspector of Police, Mecheri	Original
7.	24.02.2012	Festival Invitation of the suit temple	Original
8.	23.11.2015	Festival Invitation of the suit temple	Original
9.	23.02.2018	Festival Invitation of the suit temple	Original
10.	04.03.2022	Festival Invitation of the suit temple	Original
11.	07.03.2025	Festival Invitation of the suit temple	Original

Respondents side witness: Nil.

Respondents side documents:

1.	2016-2025	Pamphlets Total Nos.5	Original
2.	28.11.2015	Complaint against the petitioner	Original
3.	03.12.2016	CSR NO.634/2016	Original
4.	21.03.2022	Complaint before SP of Salem	Original

**Subordinate Judge,
Mettur**