



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-03-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 4668 of 2025

1. V.K.Dhanasekaran
(Dharmagartha of Vaani Kootam),
S/o.V.P.Kuppusamy, NO.7/12,
Kuppusamydevar Veethi,
Vellalapalayam, Vellalore, Coimbatore
641 111.

2.V.N.Kathiravan
(Periyaveetukarar of Vaani Kootam)
S/o.V.M.Natarajan, No.9, Mekarali
Veethi, Gandhi Nagar, Near Rangasamy
Nagar, Idayarpalayam, Vellore,
Coimbatore 641 111

Petitioner(s)

Vs

1. Kaatarasan Community
Rep.by its Authorized Representative
Administrator/Trustee Sakthivel,
S/o.Muniappa Devar, D.No.5A,
Manoharan Veethi, Vellalapalayam,
Vellore, Coimbatore 641 111.

2.V.K.Loganathan
(Former Treasurer of Vaani Kootam)
S/o.Ramasamy, No.71/58 Sri Nagar,
Hope Collegem, Peelamedu,
Coimbatore 641004.

Respondent(s)

**PRAYER**

To set aside the Fair Order and Decreetal order dated 31.7.2025 passed in IA.No.5/2024 in OS.No.81/2024 on the file of the Learned District Munsif cum Judicial Magistrate Court, Madukkarai, by allowing this CRP.

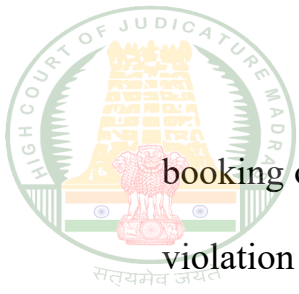
For Petitioner(s): MR.M.Purushothaman

For Respondent(s): Mr.A.K.Sriram Senior Counsel
For Mr.A.K.Rajaraman For R1

ORDER

Challenging the impugned order passed by the District Munsif-cum-Judicial Magistrate, Madukkarai, passed in I.A.No.5 of 2024 in O.S.No.81 of 2024, dated 31.07.2025, defendants 1 and 3 has preferred this Civil Revision Petition.

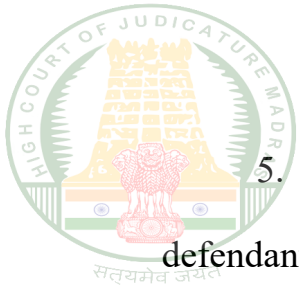
2. Before the trial court, the 1st respondent herein/plaintiff filed suit for permanent injunction against defendants 1 to 3 and also filed an interim application in I.A.No.5 of 2024 seeking an interim injunction restraining the respondents, their associates, members of the Vaani community associated with them, and their agents, from in any manner whatsoever unlawfully or individually engaging in any activities relating to the suit temple. Such activities include, but are not limited to, the performance of the Kumbabishekam festival, collection of donations, collection of Maangalya Vari (ritual marriage fees)



booking of the temple mandapam (Hall), or conducting any related functions, in violation of established procedure and without lawful authority till the disposal of the suit.

3. On hearing both sides, the learned Judge allowed the application not only granting injunction, but also appointed an Official Receiver for the just and proper management of the temple funds and contributions, in order to look after the affairs of the temple, to take charge of all future financial contributions, offerings, and donations made in connection with the Arasannan temple, including those intended for the upcoming Thirukuda Neerattu Vizha/Kumbabishekam and also directed the defendants 1 and 3 to deposit the amount to the receiver and liberty was granted to the Receiver to withdraw the necessary funds for the parties to conduct temple festivals with other consequential directions to the Receiver.

4. Aggrieved by the findings of the Trial Judge, who passed such order, without giving opportunity to the defendants in respect of appointment of Receiver and also travelled beyond the scope of the interim application, defendants 1 and 3 preferred this Civil Revision Petition.



5. Learned counsel for the revision petitioners herein are the 1st and 3rd defendants in the suit. Challenging the findings of the learned trial Judge, the learned counsel appearing for the revision petitioners argues that the trial Judge appointed Receiver arbitrarily without any pleadings or prayer and without giving any opportunity of hearing to the parties. He also contended that appointment of Receiver in the petition for injunction filed under Order XXXIX Rule 1 and 2 read with Section 151 of CPC, as such, is without jurisdiction and the same is liable to be interfered with under Article 227 of the Constitution of India. Further, he also submitted that the trial Judge exercised his jurisdiction for appointment of Receiver without satisfaction of the requirements as required under Order 40 Rule 1 of the CPC.

6. Learned counsel for the revision petitioners would also point out that only in extreme cases, the Receiver is to be appointed and it cannot be used to deprive a defendant of a “de-facto” possession and it would cause irreparable loss. He would also argue that even the plaintiff also not sought for any substantial relief either removing of the trustees/administration and merely sought for permanent injunction with regard to conducting of Kumbabishekam and booking of Mandapam, therefore, the interim relief cannot go beyond the scope of the main relief sought for in the suit. But the trial Judge failed to take note of all legal proposition and passed the erroneous order which needs



interference by this court and the findings is to be set aside as the same is illegal.

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7. Learned counsel also pointed out that the trial Judge has exceeded his jurisdiction in directing the respondents 1 to 3 in I.A.No.5 of 2024 to transfer the amount currently held in the individual bank accounts to the credit of trial court which has not been pleaded on the side of the plaintiff and without which, the order passed by the trial Judge in appointing the Receiver as such is erroneous one and is liable to be set aside.

8. Learned counsel for the Revision Petitioners also submits that the trial court failed to take note of the fact that the plaintiff has no locus standi to maintain the suit for the reason that the plaintiff has not filed the suit in the representative capacity as required under Order 1 Rule 8 of CPC. He filed the suit as he represented his entire community branch, thereby, the suit as such is not maintainable in law. Therefore, in all aspects, the learned counsel prayed to set aside the order passed by the trial Judge, by allowing the Civil Revision Petition.

9. The learned counsel appearing for the 1st respondent/plaintiff argues that revision petitioners/defendants 1 and 3 along with 2nd defendant are acting

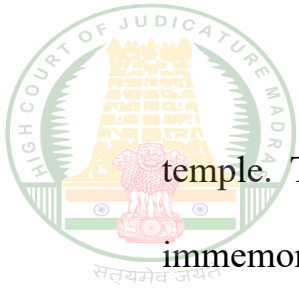


against the administration of the temple affairs and they committed mismanagement of the funds and donations collected from the community

people. Therefore, the plaintiff filed the suit for the relief of permanent injunction and sought for temporary injunction. To that effect, the learned counsel produced documentary proof. On considering the same, the trial Judge has granted order of injunction and considering the fact that the circumstances necessitated to appoint the Receiver, as interim measure, in order to protect the fair administration of the temple, the Receiver was appointed and the same is well within the scope of the said application. Even the trial Judge is empowered to appoint the Receiver on considering the prima facie material as well as emergency circumstances; so also, as far as the case in hand is concerned, the balance of convenience is in favour of the plaintiff and due to mismanagement of the temple and funds, the learned trial Judge appointed Receiver which is well reasonable one and requires no interference and prayed for dismissal of the revision as the revision lacks merits.

10. Heard both sides submissions and perused the records.

11. There is a common hereditary temple named Arasanan Temple belongs to both the Kattarasan and Vaani communities and worshipped by both the communities as their family deity and the said temple is centuries old



temple. The said temple is administered by the team of trustees from time immemorial from the members of both branch viz., Vaani Kootathar and Kattarasan kootathar. The trustees consist of Dharmakartha, Periyaveetukaarar, and two members from the Vaani branch and two members from the Kattarasan branch and they have to administer the temple activities. In addition to this, trustees were formed to administer and six executive committee members [Mahasabhai]. The temple trustees and executive committee member were selected on 18.09.2022 by Mahasabhai meeting, in which plaintiff and defendants 1 and 3 herein are the Executives.

12. The 2nd defendant was the previous treasurer and he was the treasurer for the temple committee for nearly about 46 years from 1976 to 2022. In the year 2022, one N.M.Thangavel, from Kattarasan branch was appointed as a Treasurer. These are all the undisputed facts.

13. According to the plaintiffs, both Kattarasan and Vanni branch jointly looked after administrative affairs of the temple, but the present trustee viz., the 1st defendant colluded with previous treasurer/D-2 and attempted to handle the funds belonging to the temple individually and not for the welfare of the temple and attempted to misuse the cheque power. Therefore, N.M.Thangavel from Kattarasan branch was appointed as a Treasurer; but the 1st defendant in order to



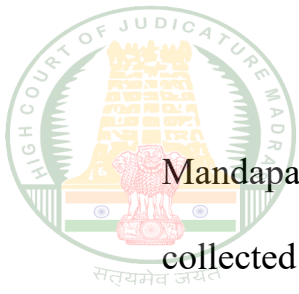
curtail the said power of the said Thangavel and to operate the Bank accounts, issued a letter to the Bank on 12.07.2024 informing the Manager that the cheque power given to N.M.Thangavel was cancelled. Due to such false representation, the Kattarasan branch members was put into hardship. Thereafter also, the 1st defendant without consulting the other members of the Kattarasan branch, attempted to book the marriage hall and also collected funds from the other members as if they collected the same for Kumbabishekam. But they are acting against the welfare of the temple. Both branch people also alleged that the defendants not issued the receipt for the amounts they collected for the forthcoming Kumbabishekam. Also the plaintiff contended that near about 40 lakhs was in the hands of the 2nd defendant who was earlier Treasurer and nearly about 8 lakhs was withdrawn but no account was submitted, thereby, the defendants acted against the temple and also filed application for temporary injunction.

14. As per the counter objections, the defendants admit that they are looking after functioning of the temple activities right from the date 18.09.2022. The temple is smoothly run by the present executive members in which the plaintiff is one among the 12 Executive Members and defendants 1 and 3 also permanent trustees and other members are elected by Mahasabhai. Therefore, apart from the petitioner, Respondents 1 and 3, there are also 9 other executive



members elected. But the suit was filed against the defendants 1 and 3 and the erstwhile treasurer as they are having enmity and vengeance because they belong to vaani branch. Further they would submit that there are four other executive members from the Kattarasan branch and plaintiff belongs to Kattarasan branch and so they are not seeking any relief as against those members of the executive committee and thereby, the suit as well as the applications, as such, is liable to be dismissed for non joinder of necessary parties. Further, he would submit that the communication to the bank regarding the change in signatory was issued based on the majority resolution passed in the General Body meeting decision; further, the 1st defendant and N.M.Thangavel were maintaining the accounts in the bank. He would also contend that the cheque signing power given to the 1st defendant was abused by him. Therefore, the majority member arrived at a decision as per the meeting held on 09.07.2024 that the power given to Thangavel was removed, thereby, the cheque signing power given to Thangavel was cancelled. Thus, the removal of the power given to Thangavel and the information to the Bank is by majority decision and not by individual decision as alleged by the plaintiff.

15. Further, the learned counsel submit that from June 2024 onwards, till the date of appointment of executive members from other branch, the 1st defendant along with Mangalyadharars collected donations and renting the



Mandapam for managing temple affairs with due sanctions and donations were collected only for the benefit of the temple not for personal benefit. There is no misappropriation of the funds and they are maintaining all the accounts properly. The defendants 1 and 3 also denied the allegation that chit amount of Rs.40 lakhs was attempted to be abused by them, was handed over nearly 10 years back. Without proving the said allegations, the question of misappropriation does not arise at all.

16. The learned counsel for the 1st defendant would submit that Thangavel is the Treasurer and further submits that the said Treasurer Thangavel is against the interest of the temple and thereafter the representatives of the Kattarasan branch have been regularly involved in all temple functions and development works and were holding the post. Therefore, with vengeance and ill motive and due to the removal of the said Thangavel from the post of Treasurer, the plaintiff colluded with Thangavel, raised the vexatious allegation and the filing of the suit is on baseless allegations and the plaintiff has no locus standi to file the suit, nor there is any proof to prove Kattarasan branch people gave consent to the filing of the suit in the representative capacity without which the suit as such is not maintainable. Further it is also contended that application filed under Order 39 Rule 1 CPC is also not maintainable as there is no prima facie case made out by the plaintiff/petitioner. Hence, he prayed to dismiss the application for



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17. Before the trial court, both plaintiff and the defendants contested the interim application.

18. On hearing both sides, the trial Judge observed that in so far as locus standi of the plaintiff is concerned, Document No.2 annexed with the plaint is produced, showing that there was a resolution on the side of the Kattarasan branch and has granted power to the plaintiff to contest the suit on behalf of others. As such, in respect of locus standi of the plaintiff to conduct the suit, by considering the trust deed, annexures with the plaint show that it duly authorised him to present the suit and the same was corroborated by another resolution letter, thereby, the plaintiff is entitled to file the suit on behalf of both branches in individual capacity and representative capacity. To that effect, the objection raised by the defendants was not accepted.

19. Further, the trial judge in respect of the relief of grant of interim injunction held that on considering the documents submitted on behalf of the respondents/defendants, there was a considerable financial contribution collected from both the branches of the community people for the purpose of conduct of Kumbabishekam without valid receipts. Besides the allegation raised



by the plaintiff is that the respondents 1 and 3 unauthorisedly booked the marriage hall. However, respondents 1 and 3 submit that since the temple

account had been frozen, the amounts were deposited in the individual account.

But however, considering the letter submitted to the bank, both on the side of the plaintiff and also on the side of the defendants, as well as the objections submitted by the plaintiff make it clear that because the account has been remained frozen, the learned trial Judge concluded that balance of convenience is on the side of the plaintiff. The learned Trial Judge held that since the perusal of documents show the opening of individual account and substantial amount was deposited in the individual account, indicates criminal breach of trust and misappropriation of temple funds and so for the reason of unauthorised financial transaction, the materials placed disclose a credible case in favour of the petitioner/plaintiff and held that balance of convenience is in favour of the plaintiff. Further the learned Trial Judge concluded that if the alleged mismanagement by executive members of one community branch is allowed to continue unchecked, there is a real and imminent danger of the collapse of the joint administrative structure and it will not only affect the present functioning of the temple but will also set a precedent for future conflicts, thereby permanently damaging the religious and social fabric of the temple administration.



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20. Therefore, the learned trial Judge by relying on the ratio laid down in ***Rambrama Chatterjee Vs. Kedar Nath Banerjee and others AIR 1923 Cal 60***, held that in order to protect the interest of the temple, there was an order passed with regard to conduct of Kumbabishekam for the temple in a peaceful manner in W.P.No.20195 of 2025. In furthermore, the trial Judge also observed as under:-

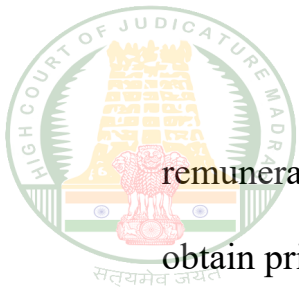
“ The Court has to exercise parens patriae jurisdiction when the interest of minor, the mentally ill and idols are at stake. It is the duty of the Court to uphold the right of the parties to perform the daily dharmic rituals. If persons cause obstruction in the discharge of this duty, the administration cannot remain a mute spectator. It has to actively intervene in favour of the right holders, it must remove the obstruction. An easy way would be to close down the temple. But, exercise of such an option would be illegal and unconstitutional. It would be height of arbitrariness. Thus there will be clear breach of the constitutional mandate enshrined in Article 14 and Article 25 of the Constitution of India.”

21. The learned Trial Judge held that the current condition of the temple is pathetic and therefore, in case of law and order issue arises, the jurisdiction police is empowered to file FIR and prosecute the offenders. The Trial Judge finally concluded and granted an order of interim injunction against respondents



1 to 3 restraining them either individually or jointly from unlawfully engaging in any activities relating to the suit temple, including the collection of donations, collection of Maangalya Vari (ritual marriage fees) and booking of the temple mandapam (hall) until the disposal of the suit. Finally, the learned Trial Judge appointed a Receiver as it is just and necessary for the proper management of the temple funds and contributions, particularly in the light of the impending Kumbabishekan festival.

22. Further it is pointed out by the Trial Judge that in the interest of justice, exercising its inherent powers, suo moto appointed a Receiver to take charge of all future financial contributions, offerings and donations made in connection with the Arasannan Temple, including those intended for the upcoming Thirukuda Neerattu Vizha/Kumbabishekam. Further the Receiver was entitled for collecting donations and contributions in connection with the temple and the same shall be deposited into the separate bank account opened in the name of “Receiver O.S.No.81 of 2024-Arulmigu Arasannan Swamy Thirukovil Temple Account” in a nationalised bank and other powers and consequently powers given to the Receiver so appointed and further the Receiver was permitted to incur essential and reasonable expenditures only for temple poojai, maintenance and festival related works with prior permission of the court. Further, it was held that the Receiver appointed was entitled for a monthly



remuneration of Rs.20,000/- and also in case of essential expenses he may obtain prior permission from the court and withdraw the amount. The trial Judge further directed respondents 1 and 2 to transfer the amount currently held in their respective individual bank accounts to the credit of O.S.No.81 of 2024.

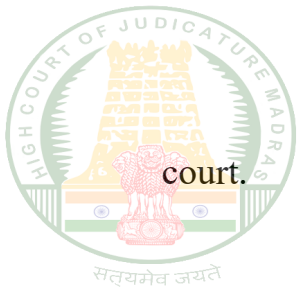
23. The foremost objection of the revision petitioners is that without giving any opportunity to the revision petitioners/defendants, trial Judge suo motu appointed the Receiver which was not the subject matter of the interim application nor it was a main prayer. Indeed no such prayer was sought for in the main suit in respect of appointment of Receiver. In case of exercise of power for the management of the temple is concerned, it is beyond the scope of the relief. It is further argued that it is not only beyond the scope of the relief but also violation of natural justice as opportunity of hearing was not given to parties in respect of appointing Receiver, thereby the entire order passed by the Trial Judge is vitiated and the same is erroneous illegal and liable to be set aside.

24. But considering the plaint averments and the averments in the interim application filed on the side of the plaintiff, it is seen that the plaintiff raised allegations against the defendants 1 and 3 and that they are acting against the interest of the temple as well as the community people and that therefore, they



came forward with the suit for permanent injunction. As rightly pointed out by the learned counsel, as the entire pleadings and the arguments advanced on the side of the plaintiff/1st respondent herein, it would clearly reveal that after removal of N.M.Thangavel, who was the treasurer and belongs to the Kattarasan community, the plaintiff having aggrieved over the said action, filed the suit.

25. On perusal of the trust deed enclosed with the plaint, it is seen that it has come into force only in the month of November 2024 and thereafter, the suit was filed and taken on file. It is also seen that N.M.Thangavel belongs to Kattarasan branch and the trustees and executive members are 12 in number in which the alleged N.M.Thangavel is also one of the trustees. According to the defendants 1 and 3, the said N.M.Thangavel has attempted to abuse the cheque power given to him and not inclined to give proper accounts; so, he was removed from the post of Treasurer with consent of majority of members of the Mahasabai. To encounter the same, new Treasurer was appointed and the Trust deed came into force in the month of November 2024. Following that, the plaint was prepared in the year March 2025, thereafter the draft terms of the deed was added and as such since the plaintiff was not given representation power to file the said suit against the entire community people, which proves that the plaintiff has no locus standi to file the suit at the time of presenting the plaint in the

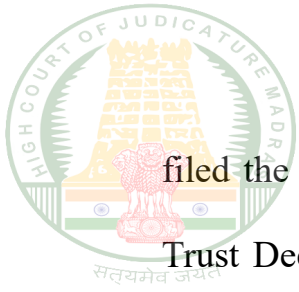


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26. It is also important to mention herein that Advocate Mr.S.Nirmalraj who appeared on behalf of the plaintiff/petitioner, has drafted the Trust deed in favour of the plaintiff and others, which clearly demonstrates that only for the purpose of filing the suit, the alleged trust deed was executed with ulterior motive.

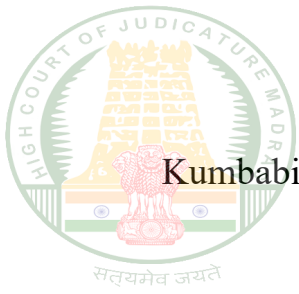
27. As rightly pointed out by the learned counsel for the revision petitioners, there are other community branch members. However, the suit is presently filed only against the vaani branch, which itself shows that the very reason for filing the suit by the plaintiff is only as against the removal of N.M.Thangavel from the post of Treasurer. It is also to be taken note that the 2nd defendant was an erstwhile Treasurer for nearly more than 40 years i.e., up to 2022, he was a Treasurer and there was no dispute arose. In such a situation, now after the appointment of new Treasurer, some dispute arose in the temple affairs.

28. Admittedly, N.M.Thangavel belongs to Kattarasan branch and after his removal from the post of Treasurer, now one Mr.Pasupathi was appointed as Treasurer who also belongs to Kattarasan branch. Moreover the plaintiff has



filed the suit as if he is representing the entire Kattarasan branch, but another Trust Deed dated 06.06.2025 show that both of Kaattarasan and Vaani branch are forming part of Trust members jointly. Therefore, as on date there is no clear proof as to whether all the members from Kattarasan branch have given sanction to the plaintiff to represent their branch to file the suit. But by relying on the trust deed, the learned Trial Judge held that the plaintiff is having locus standi, which as such, is not acceptable one, for the sole reason that the alleged trust deed dated 06.06.2025 has come into force only after drafting the plaint. The observation made by the learned Trial Judge that since the trust deed is annexed, the suit is maintainable one cannot be held to be sustainable. Therefore, at the time of presenting the plaint, at the first instance, there was no trust deed supporting the plaintiff. Therefore, the alleged document came into force to number the suit and based on that the locus standi of the plaintiff cannot be tested. To that extent, as such, the observation of the trial Judge is liable to be set aside.

29. Already there was a direction given by this court in W.P.No.20195 of 2025 whereby, this court directed both parties to cooperate for conducting the Kumbabishekam festival and for worshipping deity, the District and police officials were directed to conduct Peace Committee Meeting if required. However, the Trial Judge appointed a Receiver, in order to conduct



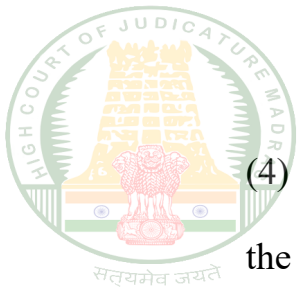
Kumbabishekam, as such is unwarranted one.

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30. As rightly pointed out by the learned counsel for the revision petitioners, it is a suit for permanent injunction. With regard to appointment of any receiver to administer temple, there is no prayer either in the suit or in interim injunction application nor there is any prayer to look after the affairs and funds of the temple, without which, the trial judge has appointed receiver. As such, this application is beyond the scope of the court and is without jurisdiction. On this score also, the order passed by the learned Trial Judge is not sustainable.

31. Order 40 Rule 1 CPC stipulates the following five requirements for appointment of a Receiver, which reads as follows:-

- “(1) the appointment of a receiver pending a suit is a matter resting in the discretion of the court;
- (2) the court should not appoint a receiver except upon proof by the plaintiff that a prima facie case has been made for succeeding in the suit;
- (3) not only must the plaintiff show a case of adverse and conflicting claims to property, but he must show some emergency or danger or loss demanding immediate action;

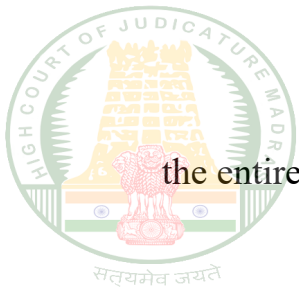


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(4) the order appointing a receiver shall not be made where it has the effect of depriving a defendant of a “defacto” possession. It will be different where the property is “in media”, that is in the enjoyment of no one;

(5) the court shall also look to the conduct of the party who makes the application and will usually refuse to interfere unless his conduct has been free from blame.”

32. In its entirety, the said provision of law clearly denotes that the order of appointment of Receiver shall not deprive a defendant of a de facto possession. In the case on hand, the duty cast upon for the court for appointment of receiver, if the plaintiff show a case of adverse and conflicting claims to property, but also show some emergency danger or loss demanding immediate action. But the plaintiff for the acts of the defendants during the year 2019-2020 relating to withdrawal of some amounts from the temple’s bank account which was subsequently handed over is concerned, the plaintiff/respondent all these years have not raised any objection. Even in the year 2022, the plaintiff and defendants 1 and 3 were elected as executive members. Therefore, it shows that there is no imminent danger occurred for the court to appoint Receiver. Further, no opportunity was given to the respondents to be heard in respect of appointment of Receiver, thereby, there is violation of natural justice. Therefore,



the entire order is liable to be set aside on that score also.

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33. At the end of the closure of arguments, the learned counsel for the respondent/plaintiff would submit that the appointment of Receiver only is liable to be set aside and in respect of granting injunction, the order is sustainable one.

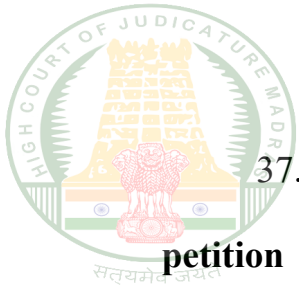
34. Perusal of the order of the trial Judge would make it clear that only with regard to collecting donations, operating the bank, the trial Judge has formed his observation and appointed the Receiver and granted injunction as well as appointed Receiver and the reason for both the reliefs are interconnected and not to be separated. When the impugned order itself is held to be in violation of natural justice, upholding the order of injunction as such is not acceptable one. But the learned counsel for the plaintiff relying on the ratio laid down in *MANU/TN/0155/1955 [D.K.RAJA VS. P.S.KUMARASWAMI RAJA AND ORS.]* when there is two rival contending parties hostile to each other try to meddle with trust affairs, the Receiver can be appointed when there is specific rival claim hostile to each other with regard to trust affairs.

35. Learned counsel for the plaintiff also argues that since there is requirement for appointment of receiver, it is just and necessary; however, the



authorities cited by the learned counsel for the plaintiff/respondents would go to show that the facts in the said referred authority is totally different from the case in hand.

36. As discussed above, the plaintiff has not filed suit against all the Trustee who are all the executive members; only he has chosen to file suit against two of the executive members, that too only as against the Vaani branch and that the executive members of the Kattarasan community is not included. Therefore, for want of necessary party, to that effect, the revision petitioners referred the proposition laid down in Sri Narayana Dossju Varu, the Mahant of Sri Hathiramjee Mutt, Tirupati vs. The Madras Hindu Religious Endowments Board rep. by its President at Nungambakkam, which squarely apply to the facts of the case. Therefore, the order passed by the Trial Judge is arbitrary, illegal and liable to be set aside and the Receiver is directed to handover the warrant and deposit the entire amount collected by him before the trial court where now the case is pending. In respect of conduct of Kumbabishekam, this Court already gave directions in the W.P.No.20195 of 2025, which shall be strictly adhered to by all the parties concerned.



37. With the above observation and directions, this **Civil revision petition is allowed.** It is made clear that this order would not make any interference in the earlier direction given in W.P.No.20195 of 2025 dated 06.06.2025. No costs. Connected miscellaneous petition, if any, is closed.

17-03-2026

nvsri

Neutral Citation: Yes/No



To

1. The Learned District Munsif cum Judicial Magistrate Court, Madukkarai.

2. The Section Officer, V.R. Section, High Court, Madras.

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