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C.M.A.No.3413 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **27.11.2025**

CORAM

THE HONOURABLE MRS. JUSTICE R. KALAIMATHI

C.M.A.No.3413 of 2025

and C.M.P.No.28228 of 2025

1. Padmavathy
2. Gokul
3. Hariharan

... Appellants / Plaintiffs

Vs.

Sri Pateeswarasamy Devasthanam,
Siruvani Main Road,
Perur,
Coimbatore – 10

... Respondents / 1st Defendant

Prayer: This Civil Miscellaneous Appeal is filed under Order 43 Rule 1(R) of Code of Civil Procedure, 1908, to set aside the fair and decretal order dated 01.08.2025 made in I.A.No.2 of 2024 in O.S.No.1037 of 2024 passed by the learned I Additional District Judge, Coimbatore.

For Appellants	: Mr.S.Mukunth Senior Counsel for M/s.P.Tamilavel
For Respondent	: Mr.K.Karthikeyan Government Advocate

JUDGMENT

This Civil Miscellaneous Appeal has been preferred by the plaintiffs against the fair and decretal order dated 01.08.2025 passed in I.A.No.2 of 2024



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in O.S.No.1037 of 2024 by the I-Additional District Court, Coimbatore.

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2. Parties are indicated herein as per their litigative status and ranking before the trial Court.

3. Details of the affidavit is stated in brief.

The petitioners are the plaintiffs. Suit property originally belonged to the 1st petitioner's husband's grandfather Narayanasamy Naidu. The 1st petitioner's husband father is Arjunan. 1st petitioner Gopalakrishnan is the only son of Arjunan. Narayanasamy Naidu had been in possession and enjoyment of the property in S.F.No.106/A situate at Perur village. As per the settlement register extract of Devasthanam, Perur village, Coimbatore, pertaining the year 1879, Suvery No.106/A was Village natham. S.F.No.106/A was changed as SF.No.78/1 and S.F No.78/2 and subsequently changed as S.F.No.315/1, S.F. No.315/2. The present suit survey numbers are S.F.No.315/1, S.F.No.315/2. Narayanasamy Naidu died on 17.03.1978. After the death of Narayanasamy Naidu, the suit property devolved upon his heirs.

4. In the year 1979, Perur Pateeswarasamy Devasthanam / respondent / defendant claimed that the property in S.F.No.106/A belongs to



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them by contending that the property is an "inaam property" endowed by kings to Perur Pateeswarasamy Devasthanam.

5. In 1968, the Executive Officer of the respondent Devasthanam took out an application before the Assistant Settlement Officer, Gopichettipalayam, under Madras Inam Estates (Abolition and Conversion) into Ryotwari Act, 1963, in respect of the property in S.F.No.106/A for grant of ryotwari patta. After due enquiry, the above said Settlement Officer held that the property in S.F.No.106/A (S.F.No.78/1) – new S.F.No.315/1, 315/2 are village poramboke land and the Devasthanam has no right to claim patta and dismissed the petition filed by the Executive Officer of the respondent Temple.

6. The Special Tahsildar issued patta in favour of the legal heir Narayanasamy Naidu in respect of S.F.Nos.315/1 and 315/2 in patta nos.108 and 760. The lands are classified as Poramboke / Natham. The total extent in S.F.No.315/1 is measuring to an extent of 357 sq.m. In S.F.No.315/2, the extent of the property is 1152 sq.m. After grant of patta, the Sub Inspector of Survey issued notices dated 21.05.1999 and 17.06.1999 to the legal heirs of Narayanasamy in order to measure the property.

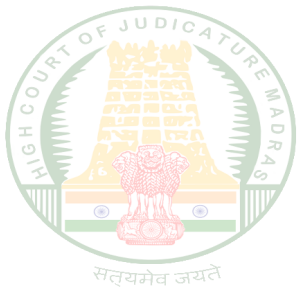


7. Based on the judgment and decree, the respondent is attempting to

take possession of the suit property. The petitioners have been in possession and enjoyment of the suit property. The judgment and decree passed in A.S.No.93 of 1988 made by the I-Additional District Court, Coimbatore dated 13.05.1992 is incorrect as the 1st defendant Devasthanam does not have title over the suit property or patta was granted in favour of Devasthanam. Hence, an order for temporary injunction pending disposal of the suit is sought for.

8. Details of counter is stated in brief:

Petition is not maintainable. Petitioners are put to strict proof to the effect that they are the descendants of Narayanasamy Naidu. It is not true that Narayanasamy Naidu had been in possession and enjoyment of the property in S.F.No.106/A at Perur village. It is also not true that the property devolved upon the legal heirs of Narayanasamy Naidu upon his death. Narayanasamy Naidu used to do Siddha Vaithiyam to the patients till his death in the suit property. After his death, sidha vaithyam was not carried out by his legal heirs. Narayanasamy Naidu's brothers Rangasamy, Barathan and his brother Govindhasamy's wife Alamelu Ammal along with her son Muthu trespassed into the suit property.



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8.1. More so, the respondent Temple filed the suit in O.S.No.255 of 1979 before the Sub Court, Coimbatore, for declaration of title and for recovery of possession against the legal heirs of Narayanasamy Naidu. Narayanasamy Naidu had six sons, namely, Venkitusamy, Govindasamy, Varadharajan, Kuppusamy, Rangasamy and Arjunan. Out of six sons, only three of them were added as party to the suit - Rangasamy, Varadharajan @ Barathan, late Govindhasamy's wife Alamelu Ammala and her son Muthu. Other three sons of Narayanasamy Naidu, namely Venkitusamy, Kuppusamy and Arjunan were not added as party to the suit. The above said suit in O.S.No.255 of 1979 was dismissed by judgment dated 15.12.1987. Against the said judgment, Perur Pateeswarasamy Devasthanam preferred Appeal in A.S.No.93 of 1988 before the I-Additional District Court, Coimbatore and the same was allowed by judgment dated 13.05.1992. The Second Appeal filed by the legal heirs of Narayanasamy Naidu before this Court in S.A.No.1402 of 1992 was dismissed by judgment dated 18.09.2002.

8.2. The Devasthanam's title to the suit property was confirmed by this Court and the petitioners were directed to hand over the possession of the property. The petitioner cannot claim any title over the suit property. The



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petitioners are also not in possession and enjoyment of the suit property. Suit in O.S.No.255 of 1979 was not filed against the legal heirs of Narayanasamy Naidu, but the same was filed against the trespassers. The petitioners have to prove the fact that Arjunan is one of the sons of Narayanasamy Naidu. Order of Assistant Settlement Officer, Gobichettipalayam cannot prevail over the judgment of the High Court of Madras passed in S.A.No.1402 of 1992. The respondent had given petition dated 30.06.2016 and 31.01.2017 to the Revenue Divisional Officer, Coimbatore. E.P.No.22 of 2013 is filed by the respondent Devasthanam to take possession of the property. The petition is not maintainable and liable to be dismissed.

9. The trial Court upon perusal of the relevant records held that the High Court in S.A.No.1402 of 1992 has specifically held that Devasthanam has got title over the suit property and ordered recovery of possession and dismissed the petition. Against the said order, the present Civil Miscellaneous Appeal has been preferred.

10. In respect of the suit property, Executing Officer of Perur



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Pateeswarasamy Devasthanam filed an original suit in O.S.No.255 of 1979 against Rangasamy and nine others before the Sub Court, Coimbatore and the said suit was dismissed by judgment dated 15.12.1987. Executing Officer of Perur Pateeswarasamy Devasthanam preferred Appeal before the I-Additional District Court, Coimbatore in A.S.No.93 of 1988.

11. It is relevant to note that Ex.A1- Order was issued by the inaam settlement officer under Tamil Nadu Act, 26/1948 on 15.04.1950 to the effect that the suit property was not an inaam property.

12. It is relevant to extract the details of written statement filed on behalf of Thirupporur Dharma Paripalana Annadhana Sabhai represented by its Secretary, Sri Murugananda Swamigal. The relevant details are extracted hereunder:-

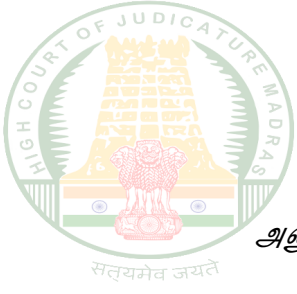
"Subsequently, Sabhai became defunct and the annadhanam and sidha vaithiam were discontinued and the sabai delivered the possession of the suit property together with the buildings thereon to the plaintiffs Devasthanam. Sri Muruganandha Swamigal has given a letter to the plaintiff Devasthanam for taking possession of the suit property. The Sabhai states that the Sabhai is not in possession of the suit property at present."



13. It has been observed that as per Ex.B10 to Ex.B13, though house tax, water tax, electricity tax were paid by Narayanasamy, it was not proved that the suit property belongs to Narayanasamy and his sons. But the possession is not based upon any right. It is also relevant to extract the operative portion of the judgment of the I-Additional District Court, Coimbatore in O.S.No.93 of 1998.

"24. வழக்கிடைச் சொத்து கோயிலுக்கு சொந்தமான சொத்து. கோவில் சொத்துக்களை முறையாகப் பராமரிக்காமல் அந்தச் சொத்துக்களைப் பற்றி யாரும அக்கறை கொள்ளாமல் இருந்தமையால்தான் கோவில் சொத்துக்களை, எந்த உரிமையும் இல்லாத சிலர் அனுபவித்து வருகிறார்கள். கோவில் நிர்வாகத்தினர் முறையாக செயல்படாததாலும் சொத்துக்களைப் பேணிக் காக்கும் அக்கறை இவர்களுக்கு இல்லாததாலும் சில தனி மனிதர்கள், கோவில் சொத்துக்களை அவர்களது சொந்த சொத்தாக பிரகடனப்படுத்தி உரிமை கொண்டாடுகிறார்கள். இந்த நிலைக்கு கோவில் நிர்வாகமே பொறுப்பாகும். இந்த நிகழ்வழக்கில், சொத்தில் எந்த உரியும் இல்லாத அந்நியர்கள் சுவாதீனத்தில் இருப்பதற்கு கோவில் நிர்வாகமே காரணமாகும். 1 முதல் 4 பிரதிவாதிகள் சொத்தில் சுவாதீனத்தில் இருக்கிறார்கள் என்பது மெய்ப்பிக்கப்பட்டிருந்தாலும், எந்த உரிமையும் இல்லாமல் சொத்தில் அவர்கள் இருப்பதால் வாதி, சொத்து சுவாதீனம் பெற அருகதைஉடையவர் ஆவார்.

25. மேற்கண்ட அனைத்துக் காரணங்களாலும் இந்த வழக்கிடைச் சொத்தில் வாதிக்கு உரிமை உண்டு என தீர்ப்பு பொருள் 2க்கும், வழக்கிடைச் சொத்தானது வாதி தேவஸ்தானத்தின்



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अनुपवर्तितल इल्ललयेन तूरुवुपुबुरुनू 3कुतुडु डतुलनलकुकुलुरुनू.

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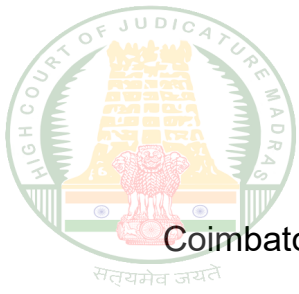
26. तूरुवुपु डुबुरुनू 4. वडुकुकुडुसु सुकुतुतु वुतुकुकु सुकुनूतुडुनुतु अुकडु. अुनलल ' अनूत सुकुतुतुल ' एनूत उरुडुडुडु ' इल्ललडुल ' इनूत 1 डुतल ' 4 डुरुतुललुतुकुल सुवुतुनूतुतुल ' इरुकुकुलुरुलरुकुल. इवुरुकल सुवुतुनूतुतुल ' इडुडुडुतु इरुडुडुतुल ' वुतु कूडुडुडुकुकुतु उरुतुतुकुकुडुडुडुरुकुरुडु वुतुकुकु कुकुडुकुकुतु. अुनलल ' सुकुतुतु सुवुतुनूतु डुडु वुतु उरुडुडुडुलुलवुरु अुवुलरु एनूतु तूरुडुनलकुकुलुरुनू."

14. The above said judgment of the I-Additional District Court, Coimbatore was confirmed by this Court in S.A.No.1402 of 1992 by judgment dated 18.09.2002.

15. Special Leave Petition preferred by Rangasamy against the judgment passed in S.A.No.1402 of 1992 was dismissed by the Hon'ble Supreme Court on 10.03.2003 in S.L.P No.2335 of 2003.

16. Devasthanam Temple filed a execution proceedings in E.P.No.22 of 2013 before the II-Additional Sub Court, Coimbatore.

17. With regard to the same property, now the appellants / plaintiffs have filed a suit in O.S.No.1037 of 2024 before the 1st Additional District Court,



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Coimbatore for the relief of declaration of title and to declare that the judgment and decree passed in A.S.No.93 of 1988 dated 13.05.1992 on the file of the I-Additional District Court, Coimbatore as null and void.

18. When the suit is pending, the plaintiffs have taken out an application under Order 39 Rule 1 and 2 of CPC for grant of temporary injunction pending disposal of the suit to restrain the respondent and his men from interfering with the peaceful possession and enjoyment of the suit property by the petitioners.

19. On a careful perusal of the case records, it appears that with regard to the same suit property, the Executing Officer of Sri Pateeswarasamy Devasthanam filed a suit in O.S.No.255 of 1979 on the file of Sub Court, Coimbatore for the relief of declaration of title and recovery of possession of the same is confirmed on 18.09.2002 in S.A.No.1402 of 1992. It is also relevant to note that the 1st respondent preferred Special Leave Petition before the Hon'ble Supreme Court and it was dismissed on 10.03.2003 and the judgment passed by the 1st Additional District Court in A.S.No.93 of 1988 has reached its finality, thereby title to the suit property granted in favour of the respondent Temple. When the title to the suit property is granted in favour of the respondent Temple,



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the connected revenue records granted in favor of individuals lose its significance and it has no validity in the eyes of law. The question of granting of temporary injunction in favour of the petitioners / plaintiffs does not arise at all and the trial Court has discussed the said details and dismissed the petition filed by the petitioners / plaintiffs. In such a view of the matter, this Court does not find any infirmity or illegality in the findings of the trial Court. This Court does not find any good reason to upset the finding of the learned trial Court.

20. In view of the aforestated narrative, this Civil Miscellaneous Appeal stands dismissed. Sequel to this, the fair and decreetal order passed in I.A.No.02 of 2024 in O.S.No.1037 of 2024 made by the I- Additional District Court, Coimbatore, stands confirmed. There is no order as to costs. Consequently, connected Civil Miscellaneous Petition stands closed.

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Index : Yes/No
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Speaking Order/Non-Speaking Order
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2. The Section Officer,
VR Section,
High Court, Madras.

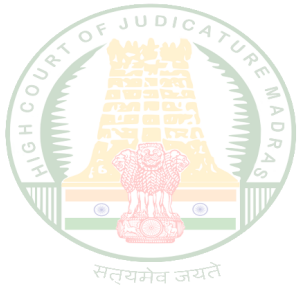
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R.KALAIMATHI, J.

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