

C.R.P.(MD) No.579 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2026

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

**C.R.P.(MD) No.579 of 2023
and
CMP(MD) No.2698 of 2023**

1.S.T.P.Nagasundaram

2.N.Balasubramanian

3.R.Ganesan

4.M.Kesavan

5.R.Selvakumar

... Petitioners

vs.

1.M.Swaminathan

2.S.Shanmugaraj

3.N.Palaniyandi

4.G.Kannan

5.A.Neelamegam

6.S.Balamurugan

7.E.Durai

... Respondents



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PRAYER: Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 22.11.2022 passed in I.A. No.1489 of 2022 in I.A.No.277 of 2020 in O.S.No.9 of 1915 on the file of the Principal District Judge, Madurai.

For Petitioners : Mr.M.Saravanan

For R1 to R3 &
R5 : Ms.N.Juliet Latha

For R4 & R6 : No appearance

ORDER

Heard Mr.M.Saravanan for the civil revision petitioners and Ms.N.Juliet Latha for the respondents 1 to 3 and 5.

2.This Civil Revision Petition challenges the order passed by the learned Principal District Judge, Madurai in I.A. No.1489 of 2022 in I.A.No.277 of 2020 in O.S.No.9 of 1915 dated 22.11.2022, directing the Advocate Commissioner to include the name of the first respondent herein in the list of voters for election to Arulmigu Sri Pirama Nainar Temple.

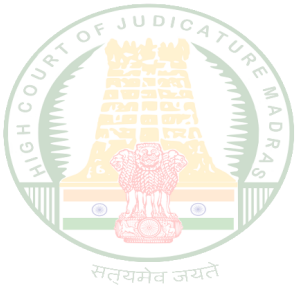
3.The following facts are not in dispute:-



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4.Arulmigu Sri Pirama Nainar Temple is a private temple. It is governed by a Scheme Decree evolved by the learned Subordinate Judge at Madurai West in O.S.No.31 of 1900, dated 10.09.1901. In terms of the original Scheme Decree, the supervision of the temple was to be carried on by a Board of Trustees consisting of five adult male members belonging to a particular community. Subsequently, it was found that the fifth branch of pangalis had no legal representatives. Consequently, the Scheme Decree was amended and the clause relating the five trustees were reduced to four. The term of Office of Trustees is five years. The last of the elections was conducted in the year 2007. On an application filed by the civil revision petitioners in I.A.No.277 of 2020, an Advocate Commissioner was appointed to start the process of election. One Mr.M.Balaguru was appointed as Advocate Commissioner. He prepared a voters list.

5.The first respondent filed an application in I.A.No.1489 of 2022, claiming that he belongs to the second pangali branch and that the Advocate Commissioner had left out his name from the list of eligible voters. Hence, he sought for a direction to the Advocate Commissioner to include his name in the list of eligible voters in the second pangali branch.



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6.This application was opposed by the civil revision petitioners stating that the petitioner is not a pangali, but is a descendant of one Peikaruppan Chetty, Son of Neelamegam Chetty, who had been appointed by the Scheme Decree to perform 'பூ கப்பரை' in the temple. They further alleged that petitioner in I.A.No.1489 of 2022, had never voted in any of the previous elections. The respondents 2 to 7 did not oppose the application to include the first respondent in the second pangali branch. The learned Judge has recorded that the Advocate Commissioner also did not tender any serious objections, but had only pointed out that the process of election has commenced.

7.On a consideration of the affidavit filed by the first respondent herein and the objections filed by the civil revision petitioners, the learned Judge, during the course of discussion, came to a conclusion that as per the voters list of 1994, the name of the first respondent was found therein and the first respondent be included in the list of voters in the second pangali branch. Challenging the same, this Revision.



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8.It is the plea of Mr.M.Saravanan that he had filed a copy application to obtain a copy of the list referred to by the learned Judge in paragraph No.11 of the order. He states that this copy application was returned, saying no such document is available. Hence, he states that the finding given by the learned Principal District Judge at Madurai in paragraph No.11 of the order is erroneous.

9.On this point, all I have to do is refer to the judgment of the Privy Council in **Somasundaram Chetty Vs. Subramanian Chetty, AIR 1926 PC 136** and that of the Supreme Court in **State of Maharashtra Vs. R.S.Nayak, AIR 1982 SC 1249** that a finding recorded in a Court is not akin to a counter in the game of litigation. If the learned Judge has recorded that he has gone through the list, the buck stops there. If the civil revision petitioners were aggrieved, they should have immediately moved an application before the very same learned Judge and brought to his notice that the finding recorded is erroneous. No appellate Court or revisional Court can interfere with the findings recorded by a learned Judge during the course of proceedings. A Judge's record of what transpired in Court is “absolute verity” and cannot be contradicted by statements from the bar or by filing affidavits.



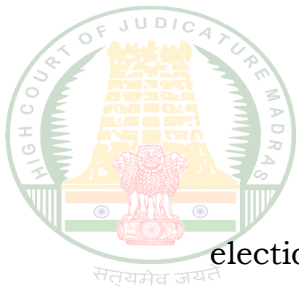
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10. Furthermore, admittedly, the civil revision petitioners belong to the third pangali branch. The first respondent wants to be included as a voter in the second pangali branch. The division between the four pangali branches are clear on a perusal of the Scheme Decree in OS.No.9 of 1915 dated 22.02.1916. One pangali branch cannot oppose as to who are or should be the members of the other pangali branch. This is more so, when respondents 2 to 7 have no objection to the inclusion of the first respondent in the list of voters.

11. Mr. M. Saravanan fears that if the impugned order is sustained, it will open a Pandora's box and several other persons will start filing applications without the voters list attaining a finality. His fear is that persons, whose office is expired, are continuing to exercise the power of trustees, nearly 15 years after their tenure has come to an end. This fear seems genuine. The last of the election seems to have been conducted in 2007.

12. The learned Principal District Judge, Madurai, who is administering the Scheme in O.S.No.9 of 1915, shall direct the Advocate Commissioner, Mr. M. Balaguru, to publish the final voters list including the name of the first respondent and proceed with the



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election and complete the same within a period of two months from today. The period of May, 2026, will **not** stand excluded for the purpose of the election.

13. With the aforesaid directions, the Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

14. Call on **22.06.2026** for filing a report by the learned Principal District Judge at Madurai that the elections have been conducted and results have been declared.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No

15.04.2026

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Note :

i) Issue order copy on 16.04.2026

ii) Registry to communicate this order to the learned Principal District Judge, Madurai, forthwith.

To

The Principal District Judge, Madurai.

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V. LAKSHMINARAYANAN, J.

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