

C.R.P.Nos.2474 & 2478 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

ORDER RESERVED ON: 12 / 11 / 2025

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ORDER PRONOUNCED ON: 12 / 02 / 2026

CORAM:

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

CRP NOS.2474 AND 2478 OF 2019

AND

CMP NO.16165 OF 2019 IN CRP NO.2474 OF 2019

AND

CMP NO.16171 OF 2019 IN CRP NO.2478 OF 2019

CRP NO.2474 OF 2019

The Pattadaras and the Permanent Resident of
Thangi Village, Kancheepuram District
for themselves and on behalf of the entire
Village People
Represented by:

1.N.Radhakrishnan

S/o.Natesa Naicker

No.37, Big Street, Thangai Village,
Then Kancheepuram Taluk,
Kancheepuram Taluk & District.

2.G.Mohan

S/o.Govindaraja Naicker

Salai Street, Thangai Village,
Then Kancheepuram Taluk,
Kancheepuram Taluk & District.

... Petitioners /
Respondents 1&3 /
Plaintiffs 1&3

Versus



C.R.P.Nos.2474 & 2478 of 2019

1.A/m.Kailasanathar Temple
Thangio Village
Rep. By Executive Officer
Addl. Charge Katchabeswarar Devasthanam
Kancheepuram.

2.The Special Tahsildar
Addl. Dravida Welfare Department
Kancheepuram.

3.The Commissioner
H.R. & C.E. Department (Admin.)
Nungambakkam,
Chennai – 34.

4.The Deputy Commissioner
H.R. & C.E. Department (Admin.)
Nungambakkam, Chennai – 34.

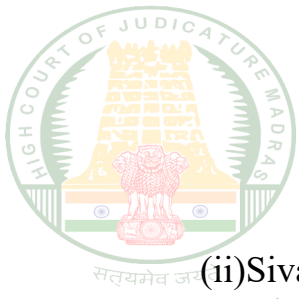
5.The Asst. Commissioner
H.R. & C.E. Department
Kancheepuram.

6.The Joint Commissioner
H.R. & C.E. Department
Vellore.

... Respondents 1-6 /
Petitioners /
Defendants 1, 2, 4 to 7

7.The Pattadaras and the Permanent Resident of
Thangi Village, Kancheepuram District
for themselves and on behalf of the entire
Village People
Represented by:

(i) Devaraj Naicker
S/o. Manickam
No.37, Big Street, Thangai Village,
Then Kancheepuram Village,
Kancheepuram Taluk & District.



C.R.P.Nos.2474 & 2478 of 2019

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(ii)Sivaji

S/o. Elumalai
Salai Street, Thangi Village,
Kancheepuram Taluk & District.

... 7th Respondent /
Respondents 2 &4 /
Plaintiffs 2 & 4

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, 1950 praying to set aside the Fair and Decretal Order dated December 11, 2018 passed in I.A.No.141 of 2016 in O.S.No.369 of 1998 on the file of the Principal District Munsif, Kancheepuram.

For Petitioners : Mr.R.Gokul
for M/s.S.L.Sudharsanam

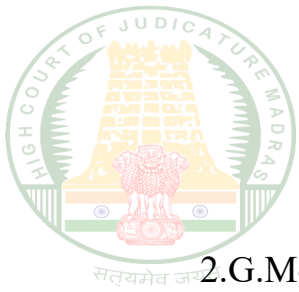
For Respondents 1-6 : Mrs.R.Anitha
Special Government Pleader

For Respondent – 7 : Passed away

CRP NO.2478 OF 2019

The Pattadaras and the Permanent Resident of
Thangi Village, Kancheepuram District
for themselves and on behalf of the entire
Village People
Represented by:

1.N.Radhakrishnan
S/o.Natesa Naicker
No.37, Big Street, Thangai Village,
Then Kancheepuram Taluk,
Kancheepuram Taluk & District.



C.R.P.Nos.2474 & 2478 of 2019

2.G.Mohan

S/o.Govindaraja Naicker
Salai Street, Thangai Village,
Then Kancheepuram Taluk,
Kancheepuram Taluk & District.

... Petitioners /
Respondents 1&3 /
Plaintiffs 1&3

Versus

1.K.Subramanian (Died)

Substituted

K.Devarajan

Secretary

Salavai Thozhilalar Sangam,
Salai Street, Iyyampettai Village,
Kancheepuram Taluk & District.

(R-1 substituted and impeladed K.Devarajan
Secretary vide Court Order dated September
19, 2025 made in CMP No.28022 of 2024 in
CRP No.2478 of 2019)

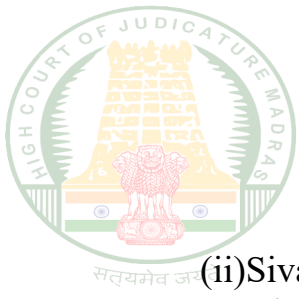
... 1st Respondent /
Petitioner /
3rd Defendant

2.The Pattadaras and the Permanent Resident of
Thangi Village, Kancheepuram District
for themselves and on behalf of the entire
Village People
Represented by:

(i) Devaraj Naicker

S/o. Manickam

No.37, Big Street, Thangai Village,
Then Kancheepuram Taluk,
Kancheepuram Taluk & District.



C.R.P.Nos.2474 & 2478 of 2019

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(ii)Sivaji

S/o. Elumalai
Salai Street, Thangi Village,
Kancheepuram Taluk & District.

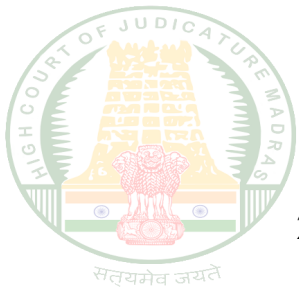
... 2nd Respondent /
Respondents 2 &4 /
Plaintiffs 2 & 4

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, 1950 praying to set aside the Fair and Decretal Order dated December 11, 2018 passed in I.A.No.140 of 2016 in O.S.No.369 of 1998 on the file of the Principal District Munsif, Kancheepuram.

For Petitioners	:	Mr.R.Gokul for M/s.S.L.Sudharsanam
For Respondent-1	:	Passed away – Steps taken
For Respondent-2	:	Passed away

COMMON ORDER

Feeling aggrieved by the Common Order dated December 11, 2018, passed in I.A. Nos.140 and 141 of 2016 in O.S.No.369 of 1998 on the file of the Principal District Munsif, Kancheepuram, the respondents in the Interlocutory Applications who are the plaintiffs in the Original Suit, have preferred this Civil Revision Petition.



2. For the sake of convenience, hereinafter, the parties will be referred to as per their array in the Original Suit.

3. Case of the plaintiffs, who have filed the Suit in representative capacity as indicated in the cause title, is that an extent of 12 Acre 25 Cents in Survey No.45 of Thangi Village is the suit property. The suit property belongs to the first defendant - Arulmigu Kailasanadhar Temple represented by its Executive Officer. In the last week of July 1994, the second defendant / Special Tahsildhar, Kancheepuram, visited the suit property with surveyor and surveyed about 4 Acres of land on the western side thereof. When enquired by the then trustee of the Arulmigu Kailasanadhar Temple - P.Padmanaban, it came to light that the sixth defendant has recommended on March 12, 1994 to make house site plots in the suit property for washermen's community people, at the instance of defendants 2 and 3. The trustees of the Temple and the village people filed an objection before fourth defendant that no temple land could be sold or made use for different object other than that for which it is held by the Temple. Since the plaintiffs are worshippers having interest in the Temple, they are entitled to protect the Temple property/suit property, as the defendants 4 to 7 failed to protect the same. Hence the Suit for permanent injunction not to plot out or make

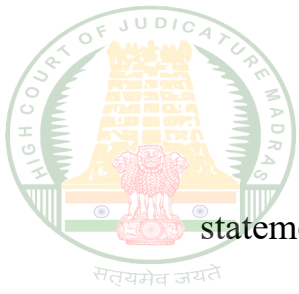


house sites in the suit property and not to accord permission or sanction for the said purpose or sale.

4. That being the case of the plaintiffs, the defendants entered appearance through Government Pleader - Mr.G.Manimaaran. Despite sufficient opportunities, the defendants did not file written statement and hence, they were called absent, set *ex-parte* and an *ex-parte* decree was passed on December 16, 2005.

5. Subsequently, the defendants 1, 2, 4 to 7 filed a petition to set aside the *ex-parte* decree under Order IX Rule 13 of the Code of Civil Procedure, 1908 along with an application under Section 5 of the Limitation Act, 1963 in I.A. No.141 of 2016 to condone the delay of 3477 days. Similarly, the third defendant filed a petition to set aside the *ex-parte* decree along with a Section 5 Application in I.A. No.140 of 2016 to condone the delay of 3477 days. They were all filed on the same day viz., November 24, 2015.

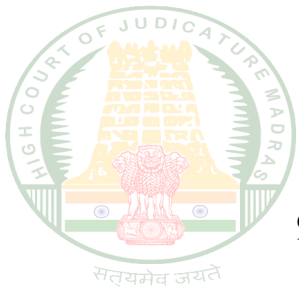
6. In the affidavit filed in support of I.A. No.141 of 2016, it has been stated that when the case was posted on June 27, 2005 for filing written



statement, the defendants 1, 2, 4 to 7 could not appear before Court as some case papers relating to the case were misplaced and their Counsel could not be contacted for filing written statement. In these circumstances, an *ex-parte* decree was passed on June 27, 2005. According to defendants 1, 2, 4 to 7, this is the reason behind the delay of 3477 days.

7. In the affidavit filed in support of I.A. No.140 of 2016, it has been stated that when the case was posted on December 16, 2005 for filing written statement, on that day the third defendant / President of Washermen Association was suffering from high fever and hence, he could not appear before Court and could not contact his Counsel. In these circumstances, an *ex-parte* decree was passed on December 16, 2005.

8. In I.A. No.141 of 2016, the Executive Officer of first defendant - Temple namely Vijayan was examined as P.W.1 and he marked Ex-P.1 to Ex-P.4. In I.A. No.140 of 2016, the petitioner therein namely Subramani was examined as P.W.1 and no document was marked. While no oral evidence was adduced on the side of the respondents in both the Interlocutory Applications, Judgment of this Court passed in ***Chellapandi -vs- Special Commissioner***, reported in (2009) 2 LW 706 was marked as Ex-R.1.



9. The Trial Court, upon hearing either side, concluded that the suit property belongs to Arulmigu Kailasanadhar Temple. Notification under Section 4 of the Land Acquisition Act, 1894 was published on September 7, 1995. The Temple had no objection for the acquisition and the demanded compensation not below Rs.3.8/- per sq. ft. Thereafter, declaration under Section 6 of the Land Acquisition Act, 1894 was made and published in the Government Gazette on March 5, 1996, and an Award was also passed. Government took possession of the acquired land, handed over possession to beneficiaries and issued Patta in favour of 106 people as early as on May 30, 1998. One Padmanaban challenged the acquisition proceedings before this Court by way of a writ petition and the same was dismissed on June 21, 2006. However, before dismissal of the writ petition, the present Suit was decreed and an *ex-parte* injunction was granted. The Government, Temple and the Hindu Religious and Charitable Endowments Act, 1959 [HR & CE] Officials did not inform this Court of the Suit proceedings. Consequently, there are contradictory verdicts in respect of the land acquisition. Since the validity of the land acquisition proceedings have been upheld by this Court, some adjudication on merits is required. Considering these facts and circumstances of the case, the Trial Court al-



allowed the Interlocutory Applications on payment of cost of Rs.3,000/- in each on or before December 20, 2018.

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10. Feeling aggrieved by the Common Order passed by the Trial Court, the plaintiffs have preferred the instant Civil Revision Petitions. C.R.P. No.2478 of 2019 is preferred over the Order in I.A.No.140 of 2016. C.R.P. No.2474 of 2019 is preferred over the Order in I.A.No.141 of 2016.

11. Mr.R.Gokul, learned Counsel appearing for the revision petitioners/plaintiffs, would submit there is no acceptable reason was assigned for condoning the huge delay of 3477 days. The conduct of the HR & CE Authorities show a callous and insincere attitude towards the Court proceedings as well as the plaintiffs. The Trial Court without considering the facts and circumstances of this case, erred in allowing the Interlocutory Applications. The Interlocutory Applications are liable to be dismissed. Accordingly, he would pray to allow the Civil Revision Petitions.

12. Mrs.R.Anitha, learned Special Government Pleader, appearing for Respondents 1 to 6 / Defendants 1 to 6 would submit that already the Government acquired the land and handed over possession to beneficiaries



and issued Patta in their favour. The earlier challenge to the land acquisition proceedings by way of a writ before this Court was also dismissed.

Admittedly, the first defendant - Temple is the owner of the suit property and the plaintiffs have no right or interest over the suit property. As proceedings in respect of the same subject matter was going on before this Court as well, over sightedly and inadvertently the Suit was let *ex-parte* and eventually ended in an *ex-parte* decree. Since this Court has upheld the acquisition proceedings, the *ex-parte* decree passed by the Trial Court is in contradiction of the same. In the interest of justice and in order to decide the Suit on merits, the Trial Court allowed the petitions on payment of costs. There is no need to interfere with it. Accordingly, she would pray to dismiss the Civil Revision Petitions.

13. Heard on either side. Perused the evidence available on record.

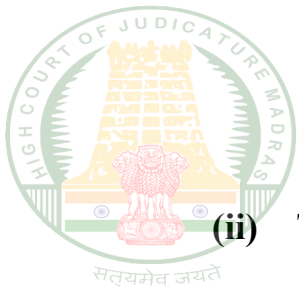
14. This Court has perused the affidavits filed in support of the Interlocutory Applications. On the face of it, the reasons assigned for the delay of 3477 days are unsatisfactory. Further, the reasons are untenable in nature and reflect a callous attitude on the part of the HR & CE Authorities towards Court proceedings, which cannot be approved by this Court. How-



ever, considering that the suit property is admittedly a Temple property, a portion of which was acquired by the Government for a welfare scheme and handed over to beneficiaries, and also considering that this Court, in a writ petition involving the very same property, has upheld the acquisition, this Court is of the view that the Trial Court was right in allowing the Interlocutory Applications in the interest of justice and so as to decide the matter on merits.

15. Nevertheless, the Trial Court failed to take into account that the plaintiffs have been litigating since 1998 for nearly a decade and erred in imposing only nominal costs. The Trial Court ought to have exercised its discretion and awarded at least the litigation costs to the plaintiffs. Hence, this Court is inclined to allow the Civil Revision Petitions in part and to interfere with the Trial Court's order only with respect to the quantum of costs, as detailed below:

- (i) The petition in I.A. No.140 of 2016 is allowed subject to payment of cost of Rs.25,000/- [Rupees Twenty Five Thousand only] to the plaintiffs.



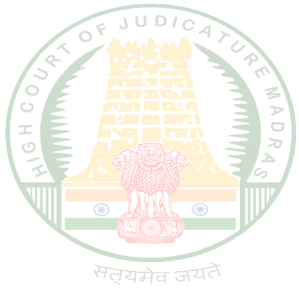
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(ii) The petition in I.A. No.141 of 2016 is allowed subject to payment of cost of Rs.1,00,000/- [Rupees One Lakh only] to the plaintiffs. The petitioners therein shall be jointly and severally liable to pay the said amount.

(iii) The aforementioned amounts, less the amount if any already paid, shall be paid directly to the plaintiffs on or before March 12, 2026, failing which the respective Interlocutory Application shall stand dismissed automatically.

(iv) The petitioners in the Interlocutory Applications, after payment of costs as stated *supra*, shall file a memo before the Trial Court on March 12, 2026. On receipt of such memo, the Trial Court shall take the Order IX Rule 13 Applications on file and proceed as per law.

(v) In case, the plaintiffs refuse to receive the costs, the petitioners in the Interlocutory Applications shall deposit the same before the Trial Court to the credit of O.S. No.369 of 1998.



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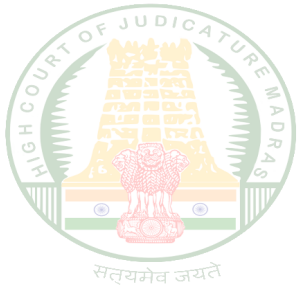
16. The Civil Revision Petitions are allowed in part to the extent indicated above. In view of the facts and circumstances of this case, there shall be no order as to costs in these Civil Revision Petitions.

12 / 02 / 2026

Index : Yes
Speaking Order : Yes
Neutral Citation : Yes
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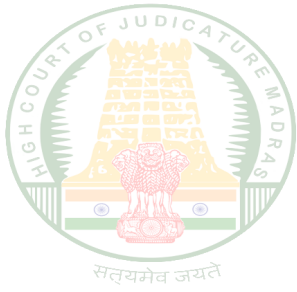
The Principal District Munsif
Kancheepuram.



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C.R.P.Nos.2474 & 2478 of 2019

R.SAKTHIVEL, J.

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PRE-DELIVERY COMMON ORDER MADE IN
CRP NOS.2474 AND 2478 OF 2019

12 / 02 / 2026

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