

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.03.2019

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

Rev.APLW.No.6 of 2019 in W.P.No.28499 of 2018

and

W.M.P.No.3493 of 2019

S.Arunachalam

Applicant

Vs.

1.Selvarajan

2.The Principal Secretary/The Commissioner
Hindu Religious & Charitable Endowments Department,
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai – 600 034.

3.The Joint Commissioner,
Hindu Religious & Charitable Endowments
Administration Department,
319, Thirugnanasambandar Street,
State Bank Colony,
Salem – 636 004.

4.The Executive Officer,
Arulmigu Vellai Pillayar Thirukovil,
Attur – 636 102,
Salem District.

5.Y.Abdul Kalam Azad

6.M.Rajalakshmi

7.G.Venkatesan

8.T.M.Gurusamy Chettiar

9.N.S.Selvam

10.T.Vanavil

11.S.Senthil Kumar

12.A.V.Thangavel

13.R.Sethu
 14.S.Gvindarajulu
 15.V.Subash Chandra Bose
 16.R.Somasundaram
 17.B.Periyasamy
 18.S.Muthu
 19.T.A.Sampath Kumar
 20.A.M.Ramasamy
 21.N.Ramachandran
 22.J.Ramaraju
 23.V.P.Rajan
 24.A.Nirmal Prakash
 25.V.Selvan
 26.R.Prabhakaran
 27.A.Thiyagarajan
 28.V.Madheswaran
 29.R.Dharmakrishnan
 30.R.Muthu Gounder
 31.S.Padmavathy

.. Respondents

PRAYER : Review Application filed under Order 47 Rule 1 & 2 and Section 114 of the Code of Civil Procedure praying to review the order dated 19.12.2018 made in W.P.No.28499 of 2018.

For Applicant : Mr.J.Murugamanikkam
 Senior Counsel
 for M/s.Zeenath Begum

For R1 : Mr.M.R.Gokul Krishnan
 For RR2 & 3 : Ms.Lucia Priyadashini
 for Mr.M.Maharaja
 Special Government Pleader

ORDER

The Review Application is filed against the order passed in W.P.No.28499 of 2018 dated 19.12.2018. The prayer in the writ petition is for a direction to the respondents 1 to 3, who are the officials

of the Hindu Religious and Charitable Endowments Department to conduct fresh auctions for the shops situated in 2.78 acres of land belonging to the Arulmigu Vellai Pillayar Kovil, Attur, Salem District.

2. Since the direction sought for in the writ petition is only with respect to the respondents 1 to 3 therein/respondents 2 to 4 herein, notices were not issued to the respondents 4 to 31 in the writ petition, who were the tenants or occupants of the temple land. The third respondent was directed to issue notice under Section 78 of the HR & CE Act, if not issued earlier and complete all the proceedings within a period of one month including fixing rent for the premises. The Review Petitioner was the twelfth respondent in the writ petition. According to him, the order passed without notice to him is bad.

3. Heard both sides.

4. It is to be seen that the order passed in the writ petition was only giving a direction to the respondents 1 to 3 therein/respondents 2 to 4 herein to issue notices under Section 78 for conducting an enquiry after affording opportunity to all the tenants/occupants of the temple land and pass appropriate orders on merits. There was no relief sought for against the petitioner herein. Hence, notice was unnecessary.

Therefore, the review petitioner cannot have any grievance. Besides,

the review petitioner is unable to point out any error apparent on the face of the record for reviewing the order. Review itself has been filed only to procrastinate the proceedings, as he has already been served with notice under Section 78.

5. It is well settled proposition of law that an order can be reviewed only if it is shown that there is an error apparent on the face of the record or materials, which are irrelevant, have been taken into consideration to arrive at a conclusion.

6. Accordingly, the Review Application is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

08.03.2019

Index : Yes / No
Internet : Yes / No
rsi

Note: Issue order copy on 12.03.2019.

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To

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- 2.The Joint Commissioner,
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PUSHPA SATHYANARAYANA, J.

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