

C.R.P.(PD).No.1331 of 2014**C.SARAVANAN,J.**

Today, the case is listed under the caption "for being mentioned" at the instance of the learned counsel for the petitioner in C.R.P.(PD).No.1331 of 2014.

2.On earlier the above Civil Revision Petition was disposed of on 22.02.2019. However, the operative portion of the paragraph No.14, is by mistake instead of learned Principal District Munsif, Tindivanam, it was mentioned as learned Principal District Munsif, Gingee.

3.This mistake was arose because the original suit was filed before the learned Principal District Munsif, Gingee. Thereafter, the case was transferred to the learned Principal District Munsif, Tindivanam. Therefore, the operative portion of the paragraph No.14 shall reads as follows:-

"The learned counsel for the petitioner submits that the suit has been transferred to the learned Principal District Munsif, Tindivanam. It is noticed that the suit is of the year 2014. Therefore, the learned Principal District Munsif, Tindivanam shall

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endeavour to complete the proceedings in O.S.No.49 of 2014 within a period of 12 months from the date of receipt of a copy of this order in accordance with law."

09.07.2019

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Note:-

The Registry is directed to carry out the necessary corrections and issue fresh copy to the parties.

To

The Principal District Munsif Court,
Tindivanam.

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C.R.P.(PD).No.1331 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2019
CORAM

THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

C.R.P.(PD).No.1331 of 2014
and
M.P.Nos.1 & 2 of 2014

1.Conservation Assistant,
Gingee Fort Archaeological Survey of India
Gingee Sub-Circle,
Gingee.

2.Superintending Archaeologist,
Archaeological Survey of India,
Chennai Circle.

... Petitioners

Vs.

1.Shri.Ramachandira Ramanuja Dasar

2.Shri.Sitharaman

3.Shri.Poongavanam

4.Shri.Utharavel

5.Shri.Devaraj

6.Shri.Ponnusamy

(for themselves and Public worship)

... Respondents

PRAYER: Civil Revision petition is filed under Article 227 of Constitution of India, to set aside the Order and Decreetal order of the learned Principal District Munsif, Gingee passed in I.A.No.447 of

2014 in O.S.No.49 of 2014 dated 10.03.2014 and set aside the same.

For Petitioners : Mr.S.M.Deenadayalan

For Respondents : No appearance

ORDER

The petitioners have challenged the fair and decretal order dated 10.03.2014 in I.A.No.447 of 2014 in O.S.No.49 of 2014 passed by the Learned Principal District Munsif, Gingee and to set aside the same.

2.By the said order the Learned Principal District Munsif, Gingee has ordered police protection to the respondents to carry worship in Srivenkataramana Temple.

3.The respondents had filed O.S.No.49 of 2014 for a permanent injunction to restrain the petitioners or their representatives from preventing the respondents and public from doing idol worship in Srivenkataramana Temple between 8.00 am to 5.00 pm everyday without interruptions.

4.They also filed I.A.No.445 of 2014 for an interim injunction

to restrain the petitioner from interfering with the right to worship till the disposal of the suit.

5.I.A.No.447 of 2014 was filed to provide police protection to the public to worship in the Srivenkataramana Temple without any interference from the petitioners and their representatives by shutting the temple gates or by any other means.

6. There was no representation for the respondents on 18.02.2019. Therefore, the case was adjourned to 20.02.2019 when the case was called. Today also there is no representation for the respondents. Heard learned Counsel Mr. Deenadayalan for the petitioners and perused the records.

7. Srivenkataramana Temple, Gingee is situated near Rajagiri on the way to Pondicherry Gate. It is stated that it was declared as a monument of National importance and a non-living temple vide Gazette notification no. 32 dated 21.04.1921 since no worship was in vogue.

8. It was stated to be protected under the provisions of the Ancient Monuments Preservation Act, 1904 and later under Ancient Monuments and Archaeological Sites and Remains Act, 1958 and

Rules 1959.

9. By the impugned order, police protection was ordered for idol worship without any interference from the petitioners or their representatives.

10. The petitioners have challenged this order by way of the above Civil Revision petition.

11. The said order appears to be a consequent relief in I.A.No.445 of 2014.

12. Order granted by the learned Principal District Munsif, Gingee in I.A.No.445 of 2014 has been set aside by this Court by an earlier order dated 25.09.2014 in C.R.P(PD)No.3105 of 2014 reported in 2015 1 MLJ 60.

13. Therefore, the impugned order dated 10.03.2014 passed by the learned Principal District Munsif, Gingee in I.A.No. 447 of 2014 in O.S.No.49 of 2014 impugned in this Revision petition is also liable to be set aside without prejudice to the rights of the law enforcing officers including the local Police to take such measures as may be necessary to maintain law and order situation should the

situation warrant such steps. Hence the order impugned is set aside while preserving the rights of law and Order enforcing officer including the local police to maintain the law and order situation at the Srivenkataramana Temple, Gingee.

14.Since the said suit is of the year 2014, the learned Principal District Munsif, Gingee shall endeavour to complete the proceedings in O.S.No.49 of 2014 within a period of 12 months from the date of receipt of a copy of this order in accordance with law.

15.The Civil Revision Petition stands disposed of with above observations. No costs. Consequently, connected Miscellaneous Petitions are closed.

सत्यमेव जयते

20.02.2019

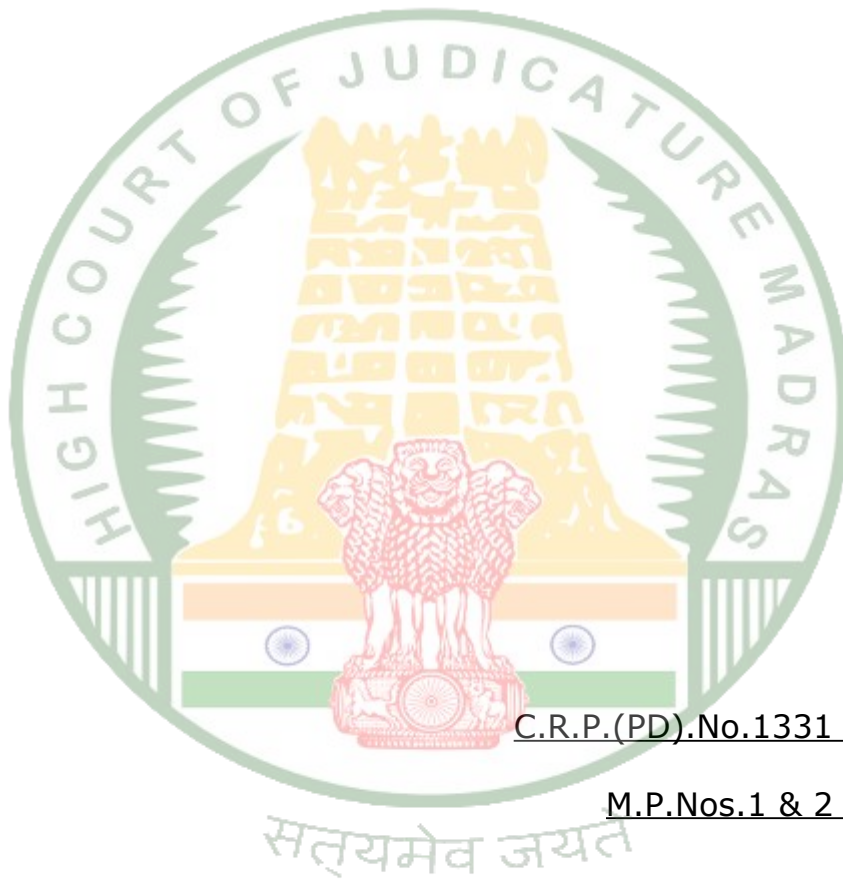
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To
Principal District Munsif,
Gingee.

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