

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.01.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE RMT. TEEKA RAMAN

Rev.Appln.Nos.298 & 299/2018 in WA.Nos.1716 & 1854/2018

[Video Conferencing]

K.Mathaiyan

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Applicant /
Petitioner in both
Review Petitions/Applications

Versus

Respondents in Rev.Appln.No.298/2018:

- 1 G.Govindhan
- 2 G.Loganathan
- 3 G.Anbumani

Respondents 1
to 3 / Appellants 1 to 3

- 4 The Sub Divisional Magistrate and Sub Collector/
Revenue Divisional Officer
Mettur Taluk, Salem District.

- 5 The Tahsildar
Mettur Taluk, Salem District.

- 6 The Village Administrative Officer
Kaveripuram Village,
Mettur Taluk, Salem District.

- 7 The Village Assistant
Kaveripuram Village,
Mettur Taluk, Salem District.
- 8 Mr.Senthilkumar
Tahsildar, Mettur Taluk
Salem District.
- 9 Mr.Arivalagan
Village Administrative Officer
Kaveripuram Village
Mettur Taluk, Salem District.
- 10 Mr.Muthappan
Village Assistant
Kaveripuram Village
Mettur Taluk, Salem District.
- 11 Ramar .. Respondents 4
to 11 / Respondents 2 to 9

Respondents in Rev.Appln.No.299/2018:-

- 1 Ramar .. 1st Respondent
/ Appellant
- 2 The Sub Divisional Magistrate and Sub Collector/
Revenue Divisional Officer
Mettur Taluk, Salem District.
- 3 The Tahsildar
Mettur Taluk, Salem District.
- 4 The Village Administrative Officer
Kaveripuram Village,
Mettur Taluk, Salem District.
- 5 The Village Assistant
Kaveripuram Village,
Mettur Taluk, Salem District.
- 6 Mr.Senthilkumar
Tahsildar, Mettur Taluk, Salem District.

- 7 Mr.Arivalagan
Village Administrative Officer
Kaveripuram Village
Mettur Taluk, Salem District.
- 8 Mr.Muthappan
Village Assistant
Kaveripuram Village
Mettur Taluk, Salem District.
- 9 G.Govindhan
10 G.Loganathan
11 G.Anbumani .. Respondents 2
to 10 / Respondents 2 to 11

Common Prayer:- Review applications filed against the order dated 11.09.2018 in WA.Nos.1854 & 1716/2018.

For Applicant/Petitioner
in both petitions : Dr.Francis Xavier Arulraj, SC
assisted by Mr.A.M.Esakkiappan

For RR 1 to 3 in
Rev.Appln.No.298/18
& for RR 9 to 11 in
Rev.Appln.No.299/18 : Mr.K.Balu

For RR 4 to 10 in
Rev.Appln.No.298/18
& for RR 2 to 8 in
Rev.Appln.No.299/18 : Mr.M.Elumalai, GA

For R11 in Rev.Appln.
No.298/18 & R1 in
Rev.Appln.299/18 : Mr.N.L.Rajah, Sr.Counsel
assisted by
Mr.M.R.Jothimanian

COMMON ORDER

[Order of the Court was delivered by M.SATHYANARAYANAN, J.,]

By consent, the review applications are taken up for final disposal and are disposed of by the following common order. Mr.K.Balu, learned counsel accepts notice on behalf of the respondents 1 to 3 in Rev.Appln.No.298/18 and respondents 9 to 11 in Rev.Appln.No.299/18 ; Mr.Mr.Elumalai, learned Government Advocate accepts notice on behalf of the respondents 4 to 10 in Rev.Appln.No.298/18 and respondents 2 to 8 in Rev.Appln.No.299/18 and Mr.N.L.Rajah, learned Senior Counsel assisted by Mr.M.R.Jothimanian, learned counsel accepts notice on behalf of the 11th respondent in Rev.Appln.No.298/18 and 1st respondent in Rev.Appln.No.299/18.

2 The facts leading to the litigation have been narrated in detail and in extenso in the order dated 02.08.2018 made in WP.No.25012/2017 as well as the common Judgment passed in WA.Nos.1716 and 1854/2018 dated 11.09.2018 and therefore, it is unnecessary to restate the facts once again.

3 Dr.Fr.Xavier Arulraj, learned Senior Counsel assisted by Mr.A.M.Esakkiappan, learned counsel for the review applicant / writ petitioner would submit that to the shock and surprise of the 1st respondent, in the concluding portion of the impugned common judgment, the 11th respondent in the writ petitions, who got subsequently impleaded, was entrusted with the administration of Arulmighu Mariamman Temple and to do pujas in the temple as per the customs of the village and while implementing the order, the panchaloha Mariamman idol, kept in the Draupathi Amman Temple, has been taken and kept in the Mariamman Temple and further pointed out by drawing the attention of this Court to the impugned common judgment, that nowhere a positive finding has been recorded that the 11th respondent, as Dharmakarthas, is in administration of the said temple and therefore, there is an error apparent on the face of the record and therefore, the impugned common judgment requires review.

4 However, Mr.N.L.Rajah, learned Senior Counsel assisted by Mr.N.R.Jothimani, learned counsel appearing for the 11th respondent has drawn the attention of this Court to the materials placed and would submit that at no point of time, the status of Mr.Ramar, as Dharmakarthas, to administer the affairs of the Mariamman temple has

been raised and what was argued is only with regard to the performance of puja in respect of the Mariamman Temple located on the public land and since a new ground has been urged while advancing arguments in the review petitions the review petitions deserve dismissal and prays for dismissal of the same with exemplary cost.

5 This Court paid its best attention to the rival submissions and also perused the materials placed before it.

6 A perusal of paragraph No.15 of the impugned common judgment would read that though the Division Bench had observed that there is no urgency in deciding the writ appeals and taking note of the interest of justice that subject to the outcome of the Civil Appeal in AS.No.14/2017 which was pending adjudication before the Competent Forum, thought fit to pass certain directions. However, in concluding paragraph, i.e., in paragraph No.18, the conclusion reached is that the writ appeals are disposed of.

7 This Court, in the light of the observations made in paragraphs No.15 and 17, is not inclined to go into the merits of the matter and it would be suffice to order the restoration of the writ

appeals and pending disposal of the writ appeals, the arrangement as ordered in the impugned common judgment, shall continue till disposal of the writ appeals.

8 In the result, the review applications are dismissed. However, in the light of the observations made in the above cited paragraphs, the writ appeals in WA.Nos.1716 & 1854/2018 stand revived and the arrangement as ordered in the impugned common judgment dated 11.09.2018, shall continue as an interim arrangement till the disposal of the writ appeals. This Court, taking into consideration of the fact that the dispute relating to the temples is going on for quiet long time, directs the Registry is to accord priority for early listing of the writ appeal for final disposal. No costs. Consequently, connected miscellaneous petitions are also dismissed.

सत्यमेव जयते

[MSNJ]

[TKRJ]

25.01.2019

Internet : Yes

AP

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M.SATHYANARAYANAN, J.,
AND
RMT.TEEKA RAMAN, J.,
AP

To

- 1 The Sub Divisional Magistrate and Sub Collector/
Revenue Divisional Officer
Mettur Taluk, Salem District.
- 2 The Tahsildar
Mettur Taluk, Salem District.
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Rev.Appln.Nos.298 & 299/2018

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