



Rev.Apl W(MD).No.57 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2022

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Rev.Apl W(MD).No.57 of 2022

and

W.M.P.(MD).No.13397 of 2022

V.Murugesan

... Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable Endowment
Department,
Nungampakkam High Road,
Chennai – 34.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Trichy.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Pudukkottai,
Pudukkottai District.
- 4.The Executive Officer,
S/o.Venkatachala Vellalar,
Sundampatti Village,
Gandarvakottai Taluk,
Pudukkottai District.

5.Saravanan

1/7



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6.S.Narayanasamy

7.Chellapan

... Respondents

Prayer : Review Petition filed under under Order 47 Rule 1 of C.P.C read with under Section 114 of C.P.C. praying this Court to set aside the order made in W.P.(MD).No.12586 of 2018 dated 04.07.2022 and allow this Review Petition.

For Petitioner : Mr.K.K.Ramakrishnan

For R-1 to R-3 : Mr.P.T.Thiraviam,
Government Advocate.

For R-4 : Mr.G.Mathavan,
Standing Counsel.

ORDER

The Review Petition has been filed by the petitioner against the order dated 04.07.2022 in W.P.(MD).No.12586 of 2018. The primary reason for filing this petition is under Section 72 of Hindu Religious and Charitable Endowment Act, objection has to be issued and consider, before notifying the temple following Section 71 of the Act.

2. The contention of the petitioner is that as per the order of the Commissioner, Hindu Religious and Charitable Endowment Department in Nee.Moo.No.2444/2014/E5, dated 18.06.2014, had issued direction to the



Assistant Commissioner, Hindu Religious and Charitable Endowment Department and Inspector, Hindu Religious and Charitable Endowment Department, to give a report about the status of the temple. Thereafter, the temple to be listed. On the reports of the Commissioner, thereafter it has to be forwarded to the Government and the Government to follow the procedure under Sections 71 and 72 of the Act. In this case, the same not followed, nothing reflected in the order. Had such opportunity given, the petitioner would have been entitled to file a suit within thirty days. Now he lost his right of filing the suit. Hence, he filed this petition.

3. The learned Government Advocate appearing for the respondents 1 to 3 submitted that the present learned counsel for the petitioner may not be aware about the earlier learned counsels arguments. The earlier learned counsel for the petitioner as well as the respondents made their submissions and their submissions recorded. Thereafter, only this Court passed the order. The petitioner cannot rise a new ground by way of filing a Review Application. The petitioner is making an attempt to re-agitate the matter on merit in the present review application, which is not permissible. The respondents placed reliance on the decision of this Court in the case of ***P.Lakshmanan Vs Kamalasaraswathi reported in 2018 (5) CTC 285.***



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4. The learned Standing Counsel appearing for the fourth respondent submitted that on the earlier occasion, the erstwhile learned counsel admitted that the temple is situated in the Government porombokku land and it is public temple in nature. He was only reserving his right seeking to manage the temple. As regards the retention of jewelry and articles, it was agreed that it was with the villagers and during the festival time, the same would be used and thereafter retained by them. He further submitted that the Executive Officer took charge, at that time there was commotion, Police complaint lodged, a petition has been filed seeking for Police protection. The learned counsel for fit person submitted that while arguing earlier, at that time only he came to know that the villagers filed civil suit among themselves, not arraying the Executive Officer or temple authorities as party in the civil suit. Further, they obtained interim protection not to disturb their peaceful worship of God at the temple. As on date, there is no obstruction for any worship. As regards festival, no festival is conducted. Now, fit person is taking steps to get impleaded, in the civil suit. All the points argued is recorded in the order, by way of Review Petition, now a new point is being attempted to be raised, which cannot be entertained. Hence, prayed for dismissal of the Review Petition.



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5. I have considered the matter in the light of the submissions made by learned counsel for all parties.

6. It is seen that the arguments of the learned counsel for the petitioner as well as the respondents are capitulated in the order. By this Review Petition, a new fresh ground is attempted to be raised, attempts made to re-agitate the matter on merits, which is not permissible in Review Application. If the petitioner is aggrieved on the order passed earlier, he is at liberty to file a Writ Appeal and not a Review Application. On the face of it nothing is error apparent to entertain this petition.

7. In view of the same, I find no merits in this case. Hence this Review Application is dismissed. No costs. Consequently, connected miscellaneous petition stands closed.

18.08.2022

Index : Yes / No
Internet : Yes/ No
Nsr



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M.NIRMAL KUMAR, J.

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