



Rev.Appl.Nos.41 & 42 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

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Arulmighu Karaneeswarar Temple,
Represented by its Executive Trustees,
1.N.Annamalai
2.D.Dhanasekar
3.D.Sridar,
Saidapet, Chennai - 15.

... Applicant in both Rev.Appln's

Vs.

1. The State of Tamilnadu
Represented by its Secretary to Government,
Religious Endowment Department,
Fort St.George,
Chennai - 9.
2. The Special Commissioner,
Hindu Religious & Charitable Endowment Department,
Nungambakkam,
Chennai - 34.
3. The Assistant Commissioner (Chennai),
Hindu Religious & Charitable Endowment Department,
Nungambakkam,
Chennai - 34.



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4. The Executive Officer,
Arulmighu Mahalakshmi Thirukoil,
Besant Nagar,
Chennai - 90.

... Respondents in both Rev.Appln's

Common Prayer: Review Applications filed under Order 47 Rule 1 r/w
Section 114 of Civil Procedure Code, to review the common order in
W.A.No.3526 & 3527 of 2004 dated 30.09.2011.

For Applicant : Mr.V.Ayyadurai
Senior Counsel
for Mr.V.B.Perumalraj
[in both Rev.Appln's]

For R1 to R4 : Mr.T.Chandrasekaran
Special Government Pleader
[in both Rev.Appln's]

COMMON ORDER

(Order of the Court was made by **S.M.SUBRAMANIAM,J.**)

The review petitions on hand have been instituted to review the
Common order dated 30.09.2011 passed in W.A.No.3526 & 3527 of 2004.

2. Mr.V.Ayyadurai, learned Senior Counsel appearing on behalf of
the petitioner/temple would mainly contend that the scheme framed and
confirmed under the provisions of the HR & CE Act in the year 1971 and



1974 becomes final and that has to be implemented for running affairs of the petitioner/temple. The vital aspect of implementation of the scheme affirmed was not taken into consideration both by the writ court as well as the writ appellate court. This resulted in an error apparent. Admittedly, the Executive Officer was appointed in the year 2001 and simultaneously 'Takkar' was appointed, which is impermissible.

3. We have considered the arguments as advanced by Mr.V.Ayyadurai, learned Senior Counsel.

4. Direct or indirect way of inserting appeal grounds in review proceedings need not be entertained. The scope of review proceedings under Order 47 Rule 1 of CPC, if expanded, would result in adjudication of grounds on merits akin to that of appeal proceedings. Certain grounds though require merit consideration, need not be adjudicated in a review proceedings. In other words, grounds for an appeal cannot be construed as grounds for reviewing the order passed, since the scope of review is absolutely limited and the Courts are expected to identify the error apparent on record, if any. In the absence of any such error apparent affecting the decision arrived, the parties



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have to be relegated to prefer an appeal in the manner known to law. Thus, we are not inclined to entertain the present review petitions and consequently stand **dismissed**.

[S.M.S., J.] [C.K., J.]
10.07.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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To

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