



W.P No.17931 of 2018

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-03-2025

CORAM

THE HONOURABLE MR JUSTICE M. SUNDAR

AND

THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN THILAKAVADI

WP No. 17931 of 2018

&

W.M.P.No.39651 of 2024

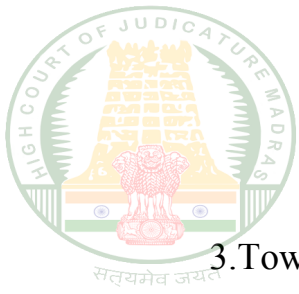
1. C.P.Chandrasekaran,
No.41, Amman Koil Street,
K.K.Palayam, Tambaram West,
Chennai-600 045.

.... Petitioner(s)

Vs

1. The District Collector,
District Collectorate, Kancheepuram
District.

2.The Commissioner,
Tambaram Municipality, No.1,
Muthuranga Mudhali Street, Tambaram
West, Tambaram, Chennai-600 045.



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3. Town Planning Officer,
Tambaram Municipality, No.1,
Muthuranga Mudhali Street, Tambaram
West, Tambaram, Chennai-600 045.

4. Tahsildhar,
Office of the Tahsildhar, Tambaram
West, Tambaram Chennai-600 045.

5. Inspector,
S11 Police Station, Tambaram West,
Tambaram Chennai-600 045.

6. ARULMIGU
SHRI ELLAIAMMAN TEMPLE, REP.
BY ITS CHAIRMAN,
R.PANDURANGAN, Kadapperi
Kanadapalayam, Tambaram West,
Chennai-600 045.

(R6 IMPEADED VIDE ORDER DT
02/02/2021 MADE IN

WMP.21427/2018 IN WP.17931/2018)

Respondent(s)

For Petitioner(s): Mr.K.R.Arun Shabari

For Respondent(s): Mr.T.K.Saravanan
Addl. Government Pleader
for R1 and R4
Mr.P.Srinivas
Standing counsel for R2 and R3



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Mr.M.Babu Muthu Meeran
Additional Public Prosecutor for R5

Mr.G.Karthikeyan
Senior counsel
for Mr.D.Arun Kumar for R6

ORDER

(Order of the Court was made by M.SUNDAR, J.)

Captioned main writ petition was disposed of by another Hon'ble

Division Bench in and by an order dated 13.02.2024 (Neutral Citation:

2024:MHC:1026).

2. Thereafter, R6 carried the matter to Hon'ble Supreme Court and

Hon'ble Supreme Court made an order dated 10.07.2024, which reads as

follows:



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ITEM NO.39

COURT NO.4

SECTION XII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL)..... Diary No(s).12517/2024

(Arising out of impugned final judgment and order dated 13-02-2024 in WP No.17931/2018 passed by the High Court Of Judicature At Madras)

ARULMIGU SHRI ELLAIAMMAN TEMPLE

Petitioner(s)

VERSUS

THE DISTRICT COLLECTOR & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.103305/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.103304/2024-EXEMPTION FROM FILING O.T. and IA No.103303/2024-CONDONATION OF DELAY IN REFILING/CURING THE DEFECTS)

Date : 10-07-2024 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE UJJAL BHUYAN

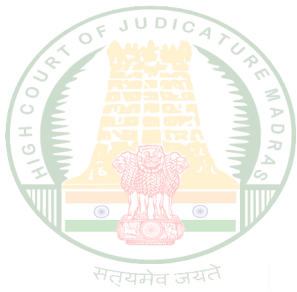
For Petitioner(s) Mr. Aravindh, S, Adv.
Mr. A. Lakshminarayanan, AOR
Mr. V.senthil, Adv.
Mr. Abbas, B, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

1. Heard learned counsel for the petitioner.
2. Delay condoned.
3. It seems from the impugned order that the petitioner - Temple through its Chairman was not heard by the High Court while issuing the impugned directions contained in the order dated 13.02.2024.

Since various factual issues are sought to be raised on behalf of the petitioner, we deem it appropriate to dispose of this special leave petition with liberty to the petitioner to approach the High



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Court for recall/relief of the order dated 13.02.2024, along with the supporting material. We request the High Court to accord a fair opportunity of hearing to the petitioner before passing appropriate orders.

4. The special leave petition is disposed of in the above terms.

5. It is clarified that we have not expressed any opinion on the merits of the case.

6. There shall be a direction to maintain status quo re: demolition and further construction at the site for a period of eight weeks to enable the High Court to decide the controversy meanwhile.

7. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR



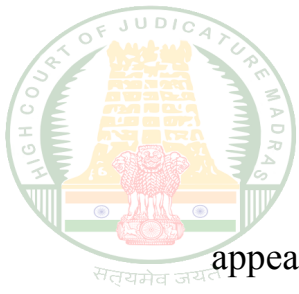
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3. Pursuant to order of Hon'ble Supreme Court, R6 has filed WMP No.39651 of 2024 with a recall prayer i.e., a prayer to recall order dated 13.02.2024 made by other Hon'ble Division Bench.

4. Notification No.57 of 2025 operating from 03.03.2025 says that review/clarification/modification applications / petitions shall go before the Roster Bench only when the Judges concerned are not available on account of elevation, transfer or retirement but it is noticed that both Hon'ble Judges, who constituted the Division Bench, which made the 13.02.2024 order, are now sitting in the Principal Seat and as per Roster they continue to constitute a Division Bench.

5. Mr.K.R.Arun Shabari, learned counsel for writ petitioner, Mr.T.K.Saravanan, learned Additional Government Pleader for R1 and R4, Mr.P.Srinivas, learned Standing counsel for R2 and R3 (Tambaram Municipality), Mr.M.Babu Muthu Meeran, learned Additional Public Prosecutor for R5 and Mr.G.Karthikeyan, learned Senior counsel



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appearing on behalf of Mr.D.Arun Kumar, counsel on record for R6 are
before us.

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6. All the aforementioned learned counsel submit that it is desirable that recall petition is listed before the same Hon'ble Division Bench. However, the aforementioned notification does not specifically mention about recall petitions. As recall petitions are akin to review/clarification, we direct the Registry to place this matter before, Hon'ble Chief Justice along with proceedings made by us and seek suitable orders regarding listing.

(M.S.J.) (K.G.T.J.)

17.03.2025

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M.SUNDAR,J.,

and

K.GOVINDARAJAN THILAKAVADI, J.,

gpa

W.P No.17931 of 2018

in

W.M.P.No.39651 of 2024

17.03.2025