



WEB COPY



Rev.Aplw. No.39 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Rev.Aplw. No.39 of 2024

THE SECRETARY
PODHU DIKSHIDAR COMMITTEE,
SABANAYAGAR TEMPLE,
CUDDALORE DISTRICT – 608 001.

.. Applicant

Vs

1. G.NADARAJ DHEEKSHIDAR
2. THE SECRETARY,
HR AND CE DEPARTMENT,
FORT ST. GEORGE, SECRETARIAT,
CHENNAI-600 009.
3. THE COMMISSIOENR,
HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS,
HAVING OFFICE AT 119, MAHATMA GANDHI ROAD,
NUNGAMBAKKAM, CHENNAI,
TAMIL NADU-600 034.
4. THE JOINT COMMISSIONER,
HR AND CE DEPARTMENT,
JAIL ROAD, CUDDALORE,
CUDDALORE DISTRICT-607 001.



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5. THE ASI OF INDIA
CHENNAI-SUB-CIRCLE,
1ST FLOOR, FORT ST. GEORGE,
CHENNAI-600 009.

.. Respondents

Prayer: Review petition filed under Order 47 Rule 1 of the Civil Procedure Code, 1908 to review the order dated 17.10.2023 passed in W.P. No.29971 of 2023.

For the Applicant : Mr.G.Chandrasekaran

For the Respondents : Mr.N.R.R.Arun Natarajan
Special Government Pleader
(HR & CE)
for respondents 2 to 4

: Mr.Kanagaraju
for 1st respondent

: Mr.Rajesh Vivekanandan
Dy. Solicitor General of India
for 5th respondent

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

Heard Mr.G.Chandrasekaran, learned counsel for the review applicant; Mr.Kanagaraju, learned counsel for the first respondent; Mr.N.R.R.Arun Natarajan, learned Special Government Pleader (HR



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& CE) for respondents 2 to 4; and Mr.Rajesh Vivekanandan, learned Deputy Solicitor General of India for the fifth respondent.

2. The present review application is filed seeking review of the of the order dated 17.10.2023 passed in W.P. No.29971 of 2023.

3. Learned counsel for the review applicant submits that though the review applicant was the fourth respondent in the writ petition, no notice was issued to the said respondent. The review applicant/fourth respondent in the writ petition was not heard. In the absence thereof, the order has been passed by this court. Though the appropriate authority was the Archaeological Survey of India, the State Government Pleader appeared and made a statement, which was absolutely improper. It is for the Archaeological Survey of India to inspect the temple and submit the report.

4. It is submitted by learned Special Government Pleader appearing on behalf of the HR & CE Department that the building of



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the temple is not a declared monument and, as such, the Archaeological Survey of India does not come into the picture.

5. Learned Deputy Solicitor General appearing on behalf of the Archaeological Survey of India submits that as yet no declaration has been made declaring the said temple as an archaeological site.

6. While disposing of the writ petition, bearing W.P.No.29971 of 2023, under order dated 17.10.2023, we had not decided any aspect on merits. We had only recorded the statement of learned counsel for the HR & CE Department and learned State Government Pleader appearing for the State Archaeological Department about the inspection to be carried out by them. In view of the statements made by them, the writ petition was disposed of.

7. The review can be filed if the court has decided some issue or lis between the parties. We have not issued any directions in the said writ petition. We have only recorded the statements. If the



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review applicant is aggrieved by any of the acts of the respondents, then it is for the review applicant to assail the same as may be permissible under law.

The review application is disposed of accordingly. There shall be no order as to costs. Consequently, W.M.P.No.4665 and 4667 of 2024 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No
sasi



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