



REV. APLW.(MD) No.104 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2024

CORAM:

THE HONOURABLE MRS. JUSTICE S.SRIMATHY

REV. APLW.(MD) No.104 of 2024

and

W.M.P.(MD)Nos.10529 and 10530 of 2024

Muthusamy

... Petitioner

VS.

1.Raman

2.The Superintendent of Police,
Office of Superintendent of Police,
Karur District.

3.The Deputy Superintendent of Police,
Office of Superintendent of Police,
Karur District.

4.The Sub Inspector of Police,
Vangal Police Station,
Karur District.

... Respondents

Review Application is filed under Order 47 Rule 1 and 2 read with Section 114 of C.P.C. to review as against the order made in Writ Petition(MD) No.11204 of 2024, dated 24.05.2024, by this Court.



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For Petitioners : Mr.I.Romeo Roy Alfred
For R1 : Mr.V.Vishnu
For R2 to R4 : Mr.C.Baskaran
Government Advocate

ORDER

The present Review Application has been filed to review the order passed in W.P.(MD) No. 11204 of 2024, dated 24.05.2024.

2. The said writ petition was filed to quash the order, dated 10.05.2024 and consequently, to direct the 3rd respondent therein to provide permission to conduct temple festival with adequate police protection. The case of the writ petitioner is that he had submitted a representation on 21.04.2024 before the 3rd respondent therein seeking permission to conduct the temple festival and to grant police protection. Since the said representation was rejected, he filed the writ petition challenging the same. While hearing the writ petition, the petitioner therein had submitted before this Court that the respondents had directed him to conduct the festival on some other day and he had also accepted the same. Further, it was submitted that one group was conducting the festival which was going on the date of filing of the writ petition.



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The other group, i.e., the petitioner therein claimed that he would conduct the festival on 10.06.2024. Recording the said submission, this Court directed the respondents therein to consider the same and also to ensure law and order. The said writ petition was closed after recording the said submission.

3. One Muthusamy has filed the present review application and the said Muthusamy is a 3rd party as far as the writ petition is concerned. The said review applicant submitted that the writ petitioner had already filed another writ petition in W.P.(MD)No.11118 of 2024 and in the said writ petition, the review applicant Muthusamy and some other persons namely Muthusamy, A.P.Murugesan, K.Vadivelu and Rangan were shown as respondents 4 to 7. While the writ petitioner Raman had impleaded Muthusamy and others in the earlier writ petition, but has filed the present writ petition in W.P.(MD)No. 11204 of 2024 without impleading them as parties. Hence, the writ petitioner has not come with clean hands and the review application ought to be allowed for concealing the facts.

4. The next contention of the review applicant is that the review applicant is



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the President of the Trust namely Shri. Kannimar Swamy Trust, which is registered Trust. The said Trust was formed in the year 2002 with an object of managing religious affairs. The Trust had purchased the land and constructed the temple. And the Trust is conducting the temple festival right from the date of existence of the temple. The writ petitioner Raman had alleged that the said Trust and the Trustee are not maintaining the records properly and they are swindling the money, therefore, he is claiming right over the temple.

5. If the allegation of the said Raman is accepted, the proper remedy is to remove the Trustee and to formulate scheme for proper management and functioning of the temple. And for such relief the writ petitioner ought to approach the appropriate authority for framing a scheme. It is admitted by both the parties that the temple is not coming within the purview of HR&CE and the temple is a private temple. Then, a scheme has to be formulated by filing a suit.

6. Further the writ petitioner Raman has alleged that the Trustee had committed misappropriation. When this Court raised a question whether any criminal



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complaint is preferred, the writ petitioner submitted that he had preferred a complaint. And based on the complaint a peace committee meeting was conducted. But the review applicant vehemently objected for such submission of the writ petitioner Raman and submitted that the Review Applicant had preferred complaint against the writ petitioner. It is seen from the arguments of both the parties that the writ petitioner had not preferred any criminal complaint for the alleged misappropriation. But the writ petitioner had filed complaint claim right over the temple and for such complaint only there was the Peace Committee meeting was conducted.

7. When the writ petitioner is making allegation of misappropriation against the review applicant then the writ petitioner Raman ought to have preferred criminal complaint. When the writ petitioner had not filed such complaint, this Court is of the considered opinion that the writ petitioner is making false allegations and the said allegation is without any evidence.

8. The attitude of the writ petitioner is to take over the temple management and



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the same cannot be permitted. Now-a-days it has become a modus operandi for the people to take over the temple management by making false allegation. The 3rd party would make such false allegations against any established temple in order to usurp temple and such act cannot be permitted. Therefore, this Court is inclined to set aside the order dated 24.05.2024 passed in the writ petition and accordingly set aside. It is made clear that the permission granted to conduct the festival to the writ petitioner on 10.06.2024 is declined and the authorities are directed to ensure that the writ petitioner Raman or any persons claiming through him are restrained from conducting any festival in the temple.

9. With the above said observations, the review application is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Index: Yes / No

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Note: Issue order copy on 07.06.2024.

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To



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S.SRIMATHY, J.

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