



Rev.Apln.W.(MD) No.136 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

Rev.Apln.W.(MD) No.136 of 2024

and

W.M.P.(MD) Nos.14273 & 14274 of 2024

1.P.Ganesan Sankaran,
Hereditary Trustee,
Arulmighu Neelakandapillaiyar Temple,
Yenthanl, Peravoorani Taluk,
Thanjavur District.

2.Kuppamuthu Sankaran,
Hereditary Trustee,
Arulmighu Neelakandapillaiyar Temple,
Yenthanl, Peravoorani Taluk,
Thanjavur District.

... Petitioners

Vs.

1.K.Aravindan

2.The Secretary to Government,
Hindu Religious and Charitable
Endowments Department,
Secretariat,
Chennai - 600 009.

3.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Chennai - 600 034.



Rev.Apln.W.(MD) No.136 of 2024

4.The Regional Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Thanjavur.

... Respondents

Prayer: Review Application filed under Order XLVII Rule 1 and 2 r/w.
Section 114 of Cr.P.C., to review the order dated 20.06.2024 passed by
this Court in W.P.(MD) No.9798 of 2024.

For Petitioners : Mr.ARL.Sundaresan
Senior Counsel
for Mr.N.Dilipkumar

For R1 : Mr.Ramesh Mahadev

For R2 to R4 : Mr.P.T.Thiraviam
Government Advocate

ORDER

This Review Application has been filed to review the order dated
20.06.2024 passed by this Court in W.P.(MD) No.9798 of 2024.

2. The learned Senior Counsel for the review petitioner appears
through Video Conferencing and submits that after the Writ Petition was
admitted, it was taken up for hearing on 20.06.2024 when the counsel for
the review petitioners was not present in this Court although the order
records the presence of the counsel for the review petitioners.



Rev.Apln.W.(MD) No.136 of 2024

WEB COPY

3. It is submitted that the first respondent herein who is the writ petitioner in W.P.(MD) No.9798 of 2024 has suppressed the material facts and has secured the order from this Court on 20.06.2024 behind back of the review petitioners/private respondents in W.P.(MD) No.9798 of 2024.

4. The preamble to the order records the names of the counsels who have appeared for the parties. That apart, the order that was passed on 20.06.2024 directed the first respondent therein/second respondent herein namely, Secretary to the Government, to act on the report of the third respondent therein/fourth respondent herein namely, Regional Joint Commissioner dated 01.03.2023 and the recommendation of the second respondent therein/third respondent herein namely, Commissioner of H.R. & C.E. Department dated 25.03.2024, within a period of 2 months from the date of receipt of the copy of that order, although the first respondent herein/writ petitioner had sought for a wider relief.

5. The arguments that the first respondent herein/writ petitioner had earlier filed W.P.(MD) No.26938 of 2022 and the same was suppressed before this Court are of no relevance as this Court has recorded the same



Rev.Apln.W.(MD) No.136 of 2024

and considered the order dated 25.03.2024 passed in W.P.(MD) No.26938 of 2022 while passing the order dated 20.06.2024 in W.P.(MD) No.9798 of 2024. The first respondent/writ petitioner in W.P.(MD) No.9798 of 2024 had filed W.P.(MD) No.26938 of 2022 for the following relief:-

“To issue a Writ of Mandamus, directing the respondents to remove the encroachment made (around 24 houses) Survey Nos. 151/1, 151/3, 151/4, around 2.46.50 Hectares which originally belongs to the Yenthal Arulmighu Neelanadapillayar Temple situated at Naatanikottai Village, Thanjavur and thereby dismiss the Hereditary Trustees of the temple for their breach of trust, misappropriation of the properties owned by the temple and acted adversely to the interests of the temple under Sections 53(2) (d), (e) and (j) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 based on petitioner's representation dated 04.05.2022.”

6. By an order dated 02.12.2022, this Court in the above Writ Petition had ordered as under:-

“4. Recording the above submission, this Writ Petition is disposed of with a direction to the authorities concerned to consider and dispose of the representation of the petitioner dated 04.05.2022, on merits and in accordance with law. If there is any encroachment in the place in question, the authorities concerned shall remove the same, after affording



Rev.Apln.W.(MD) No.136 of 2024

sufficient opportunity to all the parties and by following due process of law. Such an exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order. No costs.”

7. Cont.P.(MD) No.379 of 2024 filed by the first respondent/writ petitioner for the purported breach of the above order by the Secretary and Commissioner of H.R. & C.E., both of whom are IAS cadre civil servants, was dismissed by this Court with the following observations:-

“This Contempt Petition is filed alleging non-compliance of the order of this Court dated 02.12.2022 made in W.P.(MD)No.26938 of 2022.

2.Today, when the matter is taken up for hearing, the learned Special Government Pleader appearing for the respondents has made a submission that pursuant to the order of this Court dated 02.12.2022, the proceedings under Section 78 of the HR & CE Act was initiated and totally, 17 petitions for eviction are pending before the Joint Commissioner for adjudication. He further submitted that the Temple has filed 24 cases against the proceedings of the Settlement Officer for a comprehensive relief of declaration and recovery of possession. Out of 24 suits, 13 suits ended in favour of the Temple and other suits are pending before the District Munsif Court, Peravoorani for adjudication. At this juncture, the petitioner has filed this Contempt Petition. Therefore, this Contempt Petition.



Rev.Apln.W.(MD) No.136 of 2024

3.He further made a submission that the trustee of the Temple is also one of the encroachers and action has also been taken against the trustee of the Temple.

4.In view of the above, this Contempt Petition stands dismissed with liberty to the petitioner to workout his remedy before the appropriate forum in the manner known to law.”

8. A reading of the order passed by this Court on 20.06.2024 in W.P.(MD) No.9798 of 2024 which is sought to be reviewed in this Review Application, merely indicates that the official respondents were directed to act in pursuance of the report given by the Joint Commissioner of H.R. & C.E. and the recommendation of the Commissioner of H.R. & C.E.

9. Even if W.P.(MD) No.9798 of 2024 had not been filed, it would be incumbent on the part of the official respondents to act independently in furtherance of the report of the Joint Commissioner of H.R. & C.E. and the recommendation of the Commissioner of H.R. & C.E., as this Court had already directed that suitable action be taken by its order dated 02.12.2022 in W.P. (MD) No. 26938 of 2022.



Rev.Apln.W.(MD) No.136 of 2024

10. As such, this Review Application filed by the review petitioner

lacks merits and is liable to be dismissed.

11. However, the second respondent is directed to pass reasoned order considering the report. All the issues are left open to be decided individually. It is open for the review petitioners to make their submissions before the Secretary, the second respondent herein/first respondent in W.P.(MD) No.9798 of 2024.

12. In the result, this Review Application stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

01.08.2024

Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

JEN

Copy To:

1.The Secretary,
Hindu Religious and Charitable Endowments Department,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.



Rev.Apln.W.(MD) No.136 of 2024

2.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai - 600 034.

3.The Regional Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Thanjavur.



WEB COPY



Rev.Apln.W.(MD) No.136 of 2024

C.SARAVANAN, J.

JEN

Rev.Apln.(MD) No.136 of 2024
and
W.M.P.(MD) Nos.14273 & 14274 of 2024

01.08.2024