



REV.APLW.(MD)Nos.221 to 224 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :16.07.2024

CORAM:

THE HONOURABLE MRS. JUSTICE S.SRIMATHY

REV.APLW.(MD)Nos.221 to 224 of 2023 and
W.M.P.(MD)Nos.22936 to 22943 of 2023

REV. APLW.(MD) No.221 of 2023:

1.V.Manimaraboopathi

... Petitioner

VS.

1. The Commissioner,
Hindu Religious and Charitable
Endowments Department,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai -34.

2.The District Collector,
Office of District Collector,
Dindigul District,
Dindigul.

3. The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Dindigul District,
Dindigul.

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4. The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Dindigul District, Dindigul.

5. The Thakkar,
Arulmigu Chellandiyamman Thirukovil,
Mandavadi,
Oddanchatram Taluk, Dindigul District.

6. The Tahsildar,
Palani.

... Respondents

***(R6 is suo motu impleaded, vide Court order,
dated 07.11.2023, in Rev.AplW(MD)Nos.
221 to 224 of 2023)***

Review Application is filed under Section 114 and Order 47 Rule 1 of C.P.C.
to review as against the order made in W.P.(MD)No.20106 of 2023, dated
17.08.2023, by this Court.

REV. APLW.(MD) No.222 of 2023:

1. K. Karuppasamy

... Petitioner

vs.

1. The Commissioner,
Hindu Religious and Charitable
Endowments Department,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai -34.



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- 2.The District Collector,
Office of District Collector,
Dindigul District, Dindigul.
3. The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Dindigul District, Dindigul.
4. The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Dindigul District, Dindigul.
- 5.The Thakkar,
Arulmigu Chellandiyamman Thirukovil,
Mandavadi,
Oddanchatram Taluk,
Dindigul District.
6. The Tahsildar,
Palani.

... Respondents

***(R6 is suo motu impleaded, vide Court order,
dated 07.11.2023, in Rev.AplW(MD)Nos.
221 to 224 of 2023)***

Review Application is filed under Section 114 and Order 47 Rule 1 of C.P.C. to review as against the order made in W.P.(MD)No.20107 of 2023, dated 17.08.2023, by this Court.



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REV. APLW.(MD) No.223 of 2023:

1. K.Thangavel

... Petitioner

VS.

1. The Commissioner,
Hindu Religious and Charitable
Endowments Department,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai -34.
- 2.The District Collector,
Office of District Collector,
Dindigul District,
Dindigul.
3. The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Dindigul District,
Dindigul.
4. The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Dindigul District, Dindigul.
- 5.The Thakkar,
Arulmigu Chellandiyamman Thirukovil,
Mandavadi,
Oddanchatram Taluk,
Dindigul District.



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6. The Tahsildar,
Palani.

... Respondents

***(R6 is suo motu impleaded, vide Court order,
dated 07.11.2023, in Rev.AplW(MD)Nos.
221 to 224 of 2023)***

Review Application is filed under Section 114 and Order 47 Rule 1 of C.P.C. to review as against the order made in W.P.(MD)No.20108 of 2023, dated 17.08.2023, by this Court.

REV. APLW.(MD) No.224 of 2023:

1. P.Pavunthal

... Petitioner

vs.

1. The Commissioner,
Hindu Religious and Charitable
Endowments Department,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai -34.
2. The District Collector,
Office of District Collector,
Dindigul District,
Dindigul.
3. The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Dindigul District, Dindigul.



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4. The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Dindigul District,
Dindigul.

5. The Thakkar,
Arulmigu Chellandiyamman Thirukovil,
Mandavadi,
Oddanchatram Taluk,
Dindigul District.

6. The Tahsildar,
Palani.

... Respondents

***(R6 is suo motu impleaded, vide Court order,
dated 07.11.2023, in Rev.AplW(MD)Nos.
221 to 224 of 2023)***

Review Application is filed under Section 114 and Order 47 Rule 1 of C.P.C.
to review as against the order made in W.P.(MD)No.20109 of 2023, dated
17.08.2023, by this Court.

In all cases:

For Petitioner : Mr.T.Mohan
For Respondents: Mr.VeeraKathiravan
Additional Advocate General
assisted by Mr.N.Ramesh Arumugam
Government Advocate



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COMMON JUDGMENT

The present review applications are filed against the common order passed in W.P.(MD)Nos.20106 to 20109 of 2023, dated 17.08.2023, wherein this Court has passed the following orders:

“i. The petitioners are directed to file Interlocutory Application for interim relief from eviction within a period of four (4) weeks from the date of receipt of a copy of this order.

ii. The interim application shall be considered and pass orders within a period of two months therefrom.

iii. The Civil Court shall consider the application based on the appropriate evidence independently, uninfluenced by the order passed by this Court in the present writ petition.

iv. There shall be an order of interim stay for the eviction notice dated 12.08.2023 for a period of eight weeks from the date of receipt of the copy of the order.

v. In the meantime, the petitioners shall obtain interim orders from the Civil Court. If the petitioners are not able to get any interim order within a period



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of two months, then the respondents are at liberty to take action as per law.”

2. The contention of the review applicants are that there are “error on facts” which are apparent on the face of the records, hence the present review petition is filed.

3. The Learned Counsel appearing for the Review Applicant submitted as per the direction of this Court, they had filed an Interlocutory Application to stay the eviction proceedings. In the said application the respondent had filed counter along with documents stating that the settlement proceedings was initiated and vide order dated 12.09.1967 in SR.No.75/M.I.ACT/PLN/67 had recognised the “Iruvaram” rights of the parties in S.No.92 and S.No.104 and the said parties are stated hereunder:

“S.No.92:

Karuppana Gounder and Palaniappa Gounder, sons of Chinnapa Gounder and



Karuppana Gounder son of Peria Gounder.

S.No.104:

Palanisami Gounder son of Sivanmalai Gounder

Vanjiappa Gounder son of Vanjiappa Gounder”

However, in the present case, the review applicants are claiming rights for S.No.92 alone and hence the said S.No.92 alone is considered. The settlement proceedings was passed for S.No.92 recognising the “Iruvaram” rights of Karuppana Gounder and Palaniappa Gounder, sons of Chinnapa Gounder and Karuppana Gounder son of Peria Gounder. The proceedings further states that the amount of consideration shall be quantified. In the subsequent proceedings by the Tahsildar, Palani in No. 18/68/B8 இனாம் நியாயா வாரம், dated 20.05.1971, had quantified the amount to the extent of Rs.5684.40/- and directed to receive consideration from the occupants of the land in 10 equal instalment.

4. The Learned Counsel appearing for the review applicant submitted that the copy of the proceedings dated 20.05.1971 was not served to all the



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beneficiaries. Further submitted that the said proceedings was addressed to Karuppana Gounder and Palaniappa Gounder, sons of Chinnapa Gounder, but the copy was received by Karuppana Gounder for the extent of 4.99 ½ acre land in the west. Admittedly, the said Palaniappa Gounder has not received the copy of the said proceedings. Likewise, the said Karuppana Gounder son of Peria Gounder also had not received the copy of the proceedings.

5. Thereby, their right to pay compensation for the land was lost because of the lethargic act of the respondents. If the order had been brought to the notice of the beneficiaries, they would have paid the said consideration and the land would have been allotted to them and the respondents would have any right to evict the review applicants. It is after the counter filed by the respondents, the aforesaid settlement proceedings came to light of the review applicants.

6. But the respondents are forcefully trying to evict the review



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applicants. Now, the review applicants have filed an application for interim injunction and the main suit is pending. In such circumstances, the authorities from HR&CE department ought to be restrained from evicting the review applicants.

7. The further contention of the review applicants because of this lapse of the respondents, the review applicants were forced to file suit. Hence the review applicants prayed to consider the case of the review petitioners and allow them to pay the consideration. This Court is of the considered opinion that the suit is pending, hence the review applicants ought to proceed in the suit. However the review applicants is entitled to interim protection. Hence, this Court is passing the following orders:

- i) The eviction proceedings initiated by the respondents shall be kept in abeyance until the disposal of the suit.
- ii) In the Civil Court, both the review applicants as well as the respondents shall file all the documentary evidences to substantiate their



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claims and the parties shall act as per the outcome of the suit.

(iii) The Civil Court shall consider the proceedings dated 12.09.1967 and 20.05.1971, while considering the rights of the parties.

8. With the above said observations, the review applications are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

16.07.2024

Index: Yes / No

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S.SRIMATHY, J.

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