



Rev.Application Writ (MD) No. 63 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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ORDERS RESERVED ON : 21.03.2025

ORDERS PRONOUNCED ON : 29.04.2025

CORAM

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

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- 1.Mariyappan
- 2.Veerasekar
- 3.Rajendran
- 4.Sekar
- 5.Dhanuskodi
- 6.Chinnasamy
- 7.Veeramani @ Mani
- 8.P.Aandiyappan
- 9.Muthuvel
- 10.Parvathi
- 11.Jegathambal
- 12.Deepa
- 13.Kalaiselvi
- 14.Vanitha
- 15.Pitchumani
- 16.Kamaraj
- 17.Nagammal @ Nagu
- 18.Parvathi
- 19.Murugesan
- 20.Valliyammai
- 21.Kannan
- 22.Malarvizhi
- 23.Parameswaran
- 24.Murugesan

... Petitioners

Vs.



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1. The District Collector,
Collectorate Office
Sivagangai & District.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Devakottai,
Sivagangai District.

3.The Tahsildar,
Taluk Office, Karaikudi,
Sivagangai District.

4.The President,
Vengavayal Panchayat,
Karaikudi Taluk,
Sivagangai District.

5.The Superintendent of Police
O/o. The Superintendent of Police
Sivagangai & District.

6.The Inspector of Police
Sakkottai Police Station
Karaikudi Taluk
Sivagangai District.

7.AL.Manikandan
S/o Alagappan
Trustee of Sri Kailasa Vinayagar Koil
Pillaiyarendhal
Chinnavengavayal Village
Karaikudi Taluk
Sivagangai District.

... Respondents



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Prayer: Review Application filed under Order 47 Rule 1 r/w Section 114 of Civil Procedure Code, to allow this Review Application by setting aside the order passed by this Court made in W.P.(MD)No. 25377 of 2023 dated 27.11.2024.

For Petitioners	: Mr.K.Balasundaram Senior Counsel for Mr.A.Saravanan
For R1 to R6	: Mr.M.Siddharthan Additional Government Pleader
For R7	: M/s.A.R.L.Gandhimathi Senior Counsel for Ms.S.Meenakshi

ORDER

This review application is filed to review the order dated 27.11.2024 in W.P.(MD).No.25377 of 2023.

2. By the said order, the prayer made by the review petitioners to forbear the fifth and sixth respondents from giving police protection to the seventh respondent, without any specific order obtained from the Court by the Seventh respondent in respect of the properties mentioned therein, stood disposed of. The following order was passed in the said writ petition:



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“6. Accordingly, I am inclined to direct respondents 5 and 6 to forthwith give police protection to the 7th respondent - temple, to fence the lands leaving out only the houses of the petitioners along with the necessary pathway for the ingress and egress from the main entrance. Upon identification of lands by the 7th respondent, the 5th and 6th respondents shall render all protection for fencing the said lands in Survey No.236/1, Pillaiyarendal, Chinnavengavayal Village, Karaikudi Taluk, Sivagangai District, within a period of two weeks from the date of receipt of a copy of this order. The 3rd respondent – Tahsildar shall also depute the Firka Surveyor to be present in the spot to confirm the identity of the lands to enable respondents 5 and 6 to grant police protection. The entire exercise shall be completed within two weeks from the date of receipt of a copy of this order.

6.1 The 7th respondent – temple is further directed to properly maintain the property of the temple in the best interest of the idol without any room for further encroachment.

6.2 This Writ Petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.”

2. Mr.K.Bala Sundaram, the learned Senior Counsel appearing on behalf of the petitioners, contended that the properties which are now sought to be taken possession of are not ones delivered in the execution petition filed on behalf of the temple. Even if the temple has any decree, it has to file a fresh execution petition. In any event, the revenue or the police authorities are not competent to identify the property and execute the decree of the Court.



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In view thereof, the order passed by this Court is sought to be reviewed.

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3. I have considered the submissions made by the learned Senior Counsel appearing on behalf of the petitioners and also the various grounds raised in the review petition.

4. Each and every submission made has already been specifically raised during the disposal of the writ petition itself and I have already given my detailed findings. Even though, there may be discrepancies with respect to the survey number, the Civil Court decree also mentions the boundaries. Therefore, there is no doubt whatsoever with reference to the identity of the property. Further, this is not an ordinary case where the temple has to be relegated to the Civil Court once again. This is a case where three rounds of litigation have been completed before the Civil Court and the learned Senior Counsel appearing on behalf of the petitioners is not in a position to deny that the petitioners have suffered a decree against them. As a matter of fact, delivery of possession has already been recorded in the earlier rounds of litigation.

5. This Court, considering itself as *parens patriae* of the temple and its



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properties, issued the aforesaid directions. It is also brought to the notice of

WEB COPY this Court that, by virtue of the order of the Court, the process of identifying the property has been completed and the process of fencing is ongoing.

6. In view thereof, I am of the opinion that no grounds are made out to review the order. Further, it has to be seen that W.P.(MD).No.25377 of 2023 was also numbered as a Criminal Writ Petition.

7. Accordingly, the review application fails and is dismissed.

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Neutral Citation: Yes/No
nsl

To

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D.BHARATHA CHAKRAVARTHY, J.

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