



Review Application (MD). No. 43 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.07.2025

CORAM:

THE HONOURABLE MR JUSTICE P.DHANABAL

Review Application (MD). No. 43 of 2025

and W.M.P (MD).No.6193 of 2025

A.Thalavai Pillai

.. Applicant

Vs

1.G.Arumuga Nainar

2.The Inspector of Police,
Thattaparai Police Station,
Tuticorin District.

.. Respondents

Prayer: Review Application is filed under Order XLVII Rule 1 of CPC to review the order in W.P.(MD).No.7428 of 2005 dated 18.03.2025 on the file of this Court by allowing the review petition.

For Applicant : Mr.H.Arumugam
for Mr.S.Kumar

For Respondents : Mr.J.Senthil Kumaraiah for R1
No appearance for R2

J U D G M E N T

This review application has been filed by the petitioner, who has been arrayed as second respondent in the writ petition to review the order



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dated 18.03.2025 passed by this Court in W.P.(MD).No.7428 of 2005,
dated 18.03.2025.

2. Learned counsel for the petitioner submitted that the 1st respondent/writ petitioner has mislead the Court that he is descendant of Arumugam Pillai and he is neither connected with the two groups namely Chinna Raja Pillai Vagaiyara nor Periya Raja Pillai Vagaiyara, but the fact remains that he is descendant of Chinna Raja Pillai Vagaiyara and he also signed in the consent deed dated 16.11.2023 as Chinna Raja Pillai Vagaiyara after accepting the terms of compromise. In that compromise, they have decided that one party to conduct Festival in the month of Chithirai and another party to conduct the Festival in the month of 'Vaigasi' every year. The first respondent/writ petitioner attempted to conduct temple festival separately in Tamil month of Panguni and earlier the writ petitioner obtained orders from this Court as if the compromise made before this Court will not bind on him as he is not signatory to the same. He further submitted that without hearing the review petitioner, this Court passed the order dated 18.03.2025.



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3. Pursuant to the orders passed by this Court, the second respondent called the review petitioner for enquiry and he produced the copy of the compromise memo recorded by this Court as well as consent deed dated 16.11.2023. The 2nd respondent has rejected the 1st respondent's request by a communication dated 16.03.2025. Questioning the same, the first respondent filed the writ petition in W.P.(MD).No. 7428 of 2005 and the same was allowed by this Court vide order dated 18.03.2025 at the admission stage itself. Thereby, the 1st respondent attempted to dilute the case and disregarded the compromise recorded by this Court.

4. Learned counsel for the first respondent would submit that there is no suppression of fact and earlier this Court passed the order based on the memo of compromise dated 27.11.2023, entered between the parties. Therefore, there is no grounds made out by the petitioner to review the order passed by this Court. Hence, he prayed for dismissal of the petition.

5. Heard the learned counsel for the review petitioner and the learned counsel for the first respondent and there is no appearance for the



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2nd respondent.

6. This Court has perused the materials available on record carefully.

7. Admittedly, the writ petition in W.P.(MD).No.7428 of 2025 has been filed to grant permission to conduct Temple Festival of Arulmigu Muthamman Temple from 18.03.2025 and 25.03.2025 situated in S.No. 1917/2 in Keelachekkarakudi, Srivaikuntam Taluk, Tuticorin District and this Court vide order dated 18.03.2025 has passed the following order:

".....7. According to the petitioner, they want to conduct Festival in the Tamil month of 'Panguni' and already the second respondent has filed a writ petition as against one Subbiah and others and they entered into compromise. In that compromise, they have decided that one party to conduct Festival in the month of 'Chithirai' and another party to conduct the Festival in the month of 'Vaigasi'. But, this petitioner is coming from the descendants of Arumuganianar, therefore no any time slot was allotted to this petitioner. In the above said compromise memo, this petitioner is not a party. Moreover, the petitioner has also approached this Court in the last year and filed a petition in W.P.(MD) No.5736 of 2024 to grant permission to conduct Festival and this



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Court passed the following Order on 18.03.2024:

“4. The petitioner wants to conduct a festival in the petition mentioned temple. He wants permission from the authorities. I have been consistently holding that permission from the authorities is not required for conducting any religious function, particularly in villages. Of course if any cognizable offence is committed, then the authorities will definitely interfere. If law and order problem crops up, then the revenue authorities will proceed under the provisions of Cr.P.C. Subject to these Ifs, restraint order cannot be imposed on the celebration and performance of temple festival in villages in particular.

8. In view of the above, now this Court is also inclined to permit the petitioner to conduct the Festival in terms of earlier order passed by this Court without affecting the right of the parties in the administration of the Temple. Therefore, the order dated 16.03.2025 passed by the first respondent is set aside and the petitioner is permitted to conduct the Festival without affecting the law and order. If any criminal activities done by any parties, the first respondent can take appropriate steps in accordance with law and the first respondent is also directed to ensure the law and order and the safety of the



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people who participate in the function."

8. From reading of the above paragraphs, it is clear that this Court granted permission to the writ petitioner, to conduct the Festival in terms of the earlier order passed by this Court without affecting the rights of the parties in the administration of the Temple. Therefore, the order of this court dated 18.03.2025 is no way affects the rights of the parties and the order is for the particular period from 18.03.2025 and 25.03.2025 and the same was already over.

9. It is pertinent to note that the scope of review is limited as per the provisions of Order 47 Rule 1 CPC, where this Court can review the judgment or order when there is error apparent on the face of the record. Only when an error is apparent or manifest by looking at the order, the Court can review the judgment. Even if an error is required to be detected by a process of reasoning, there is no scope of review to entertain a review application under Order 47 Rule 1 CPC. Even if it is erroneous, the decision can be challenged only before the Appellate Court.

10. For the reasons stated above, this Court finds that no error apparent on the face of the record has been demonstrated warranting exercise of the review jurisdiction. Therefore, there is no grounds made



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out by the review petitioner to review the order passed by this Court.

11. The said view arrived at by this Court is supported by the decision of the Hon'ble Supreme Court in the case of ***Perry Kansagra v. Smriti Madan Kansagra [(2019) 20 SCC 753]***, wherein the Hon'ble Supreme Court has elaborately considered the scope of review and has summarised the propositions as follows:

“15.The law on the subject—exercise of power of review, as propounded by the Apex Court and various other High Courts may be summarised as hereunder:

- (i) Review proceedings are not by way of appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 CPC.*
- (ii) Power of review may be exercised when some mistake or error apparent on the fact of record is found. But error on the face of record must be such an error which must strike one on mere looking at the (2000) 6 SCC 224 Perry Kansagra vs. Smriti Madan Kansagra record and would not require any long-drawn process of reasoning on the points where there may conceivably be two opinions.*
- (iii) Power of review may not be exercised on the ground that the decision was erroneous on merits.*
- (iv) Power of review can also be exercised for any sufficient reason which is wide enough to include a misconception of fact or law by a court or even an advocate.*
- (v) An application for review may be necessitated by way of invoking the doctrine actus curiae neminem gravabit.”*

12. In view of the above, there is no mistake or error apparent on



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the facts of record in the order dated 18.03.2025 passed by this Court.

Therefore, this Court is not inclined to entertain the review application and, accordingly, the Review Application stands dismissed. No costs. Consequently, connected miscellaneous petitions is closed. It is open to the review applicant to seek remedy before the authorities concerned, if it is permissible under law.

01.07.2025

msv

Index:Yes/No; Internet:Yes/No

Speaking order: Non-speaking order

To

The Inspector of Police,
Thattaparai Police Station, Tuticorin District.



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P.DHANABAL, J.

msv

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