



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Reserved on:18.12.2025

Pronounced on: 30.01.2026

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

Rev.Aplw. No.31 of 2026

N.Duraisamy

Petitioner(s)

Vs

1.P.Subramaniam

2.The Joint Commissioner,
HR & CE Department,
9/2, Jeevanantham Nagar,
Karur By Pass Road,
Erode -02.

3.The Deputy Commissioner,
(HR & CE Department),
Jawans Building,
(Opp to Fire Service),
Erode -02.

4.The Fit Person,
(Arulmigu Thambiraatiyyamman Thirukoil,
Ingur), The Executive Officer,
Sellandiyamman Thirukoil,
Perundurai (Post), Erode District.

Respondent(s)

PRAYER: The Review Application filed under Order XL VII, Rule 1 r/w
Section 114 of CPC, to review the order passed by this Court in W.P. No.43429



of 2025 dated 11.11.2025 and render a fresh judgment on merits.

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For Petitioner : Mr.V.Raghavachari,
Senior Counsel for
Ms.S.Vinodha

For Respondents : Mr.D.Selvaraju for R1
Mr.S.Ravichandran,
Additional Government Pleader for R2 to R4

ORDER

This Review Petition is filed seeking to review the order passed by this Court in W.P. No.43429 of 2025 dated 11.11.2025.

2. I have heard Mr.V.Raghavachari, learned Senior Counsel for Ms.S.Vinodha, learned counsel for the petitioner who seeks to review the order passed by me. Mr.D.Selvaraju, learned counsel for the first respondent and Mr.S.Ravichandran, learned Additional Government Pleader for respondents 2 to 4.

3. By order dated 11.11.2025, I had disposed of W.P. No.43429 of 2025 filed by the first respondent herein on the strength of the claim that the writ petitioner is incharge of the administration of the Temple and that he himself was willing to handover his charge to the Fit Person appointed viz., the third



respondent in the Writ Petition who is the Executive Officer of Sellandi Amman Thirukovil. The Writ Petition was disposed of in the manner following:

“ 5. In view of the above, pending disposal of the scheme application in O.A. No.10 of 2022, there shall be a direction to the 3rd respondent to take control of the administration of the Temple and its properties from the writ petitioner. If necessary, the respondents shall take assistance of the local police officials to ensure that there is no breach of law and order in the locality and such exercise shall be carried out within a period of two weeks from the date of receipt of a copy of this order. The scheme application shall be disposed of by the 1st respondent within a period of three months from the date of receipt of a copy of this order.”

4. It is now contended by the petitioner that firstly, the Writ Petitioner did not have any locus to represent the Temple as he has already been removed from the administration and management of the Temple and therefore, he could not have represented the Temple and invited a prejudicial order, as if, being in-charge of administration and control of the Temple, he was willing to handover the charge to the fit person appointed by the Department. Mr.V.Raghavachari, learned Senior Counsel has also taken me through various documents including minutes of meeting to fortify his contentions that the



petitioner has already been removed and he has suppressed material facts and in fact sworn to a false affidavit as if he continues to be incharge of the petitioner temple.

5. Mr.Raghavachari, learned Senior Counsel also brought to my notice that, the petitioner seeking review, has also filed writ petition in W.P. No.46584 of 2025 along with one C.Santhamoorthi, Secretary of the Temple where the challenge is to the order of appointment of Fit Person itself. Pointing out to the fact that only in the course of the hearing of the said writ petition, the petitioner even came to know about the order passed by this Court and taking advantage of the order, an attempt was made by the petitioner and the Fit Person to forcibly take over charge from the petitioner and the same resulted in big protests in the locality. Mr.V.Raghavachari, learned Senior Counsel would contend that the writ petitioner was not entitled to any audience, when he had approached the Court with unclean hands and the writ petition was only liable to be dismissed.

6. Per contra, Mr.D.Selvaraju, learned counsel appearing for the first respondent/writ petitioner contends that the first respondent continues to be in effective control and the various resolutions passed are illegal and not binding



on the writ petitioner. He would further state that if really the petitioner and others were in control and management of the Temple, then nothing would have prevented then from challenging the order appointment of Fit Person which came to be passed even in the year 2021. He would also attack the bonafides of the petitioner as well as the other writ petitioner in W.P. No.46584 of 2025.

7. The learned counsel also points out to various infirmities in the proceedings that have been relied on by the petitioner while allegedly removing the writ petitioner from control and management. He therefore states that there is no infirmity in the order passed directing the Fit Person to take charge, pending disposal of the Application for framing Scheme, warranting interference in review.

8. I have carefully considered the submissions advanced by the learned counsel on either side.

9. The contentions that have been putforth in the present review are all touching contentious factual matrix which this Court certainly cannot decide in either a writ petition or a review petition. Admittedly, the writ petition was allowed by me only on the strength of the self serving claim of the writ



petitioner that he is in-charge of the administration of the subject temple and that he was willing to handover charge to the fit person appointed by the HR & CE Department. The petitioner did not disclose about the various proceedings or resolutions that came to be passed in and by which the writ petitioner was allegedly removed from all control and management of the petitioner/temple. In any event, the order appointing the fit person has itself been challenged before this Court independently in W.P. No.46584 of 2025 and the said writ petition is pending. The revision petitioner is also a party respondent in the said writ petition as well. Therefore, when the very appointment of the Fit Person is under challenge before this Court and there is also an Application under Section 64(1) of the HR & CE Act, 1959, for framing of a Scheme pending before the Joint Commissioner, HR & CE Department. If any positive directions are issued to the Fit Person appointed by the Department to take over the control and administration of the Temple, it would only lead to further unnecessary complications.

10. As the order of appointment Fit Person itself has been challenged, the question of calling upon the Fit Person at this juncture to take over the administration and management of the Temple would not be fair or proper and it would be desirable that any such steps, should await the orders passed in



W.P.46584 of 2025 and subject to the result of the said writ petition, further steps may be initiated, if warranted, in the light of the petitioner in W.P. No.46584 of 2025 being unsuccessful in challenging the appointment of the Fit Person. It would thus be appropriate to recall the order passed on 11.11.2025 in W.P. No.43429 of 2025.

11. The Review Application is allowed and the Writ Petition is disposed of in the following manner:-

The Joint Commissioner, the first respondent in the Writ Petition is directed to dispose of O.A. No.10 of 2022 for framing a Scheme under Section 64(1) of the Act, after affording an opportunity to the writ petitioner as well as all other interested persons who claim to be in control and management of the temple, independently, as expeditiously as possible and in any event, within a period of six (6) months from the date of receipt of the copy of the order, subject to any further orders passed in the Writ Petition in W.P. No.46584 of 2025. It shall be open to any of the parties to seek appointment of a fit person pending the Section 64(1) Application and any such application, if filed, shall be disposed of by the 1st respondent within a period of six (6) weeks, after hearing all interested parties.



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11. In fine, the Review Application is disposed of. No costs.

30.01.2026

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Neutral Citation Case : Yes/No

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P.B.BALAJI, J.,

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Pre-delivery order in
Rev. Aplw. No.31 of 2026
(2/2)



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