



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2021

CORAM :

THE HON'BLE MR. JUSTICE M. DURAISSWAMY
AND
THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

REVIEW APPLICATION (WRIT) NO.137 OF 2021 AND
W.M.P. NOS.20981 & 20982 OF 2021

1.E.Mani
2.E.Raghupathy
3.E.Ashokan Review Petitioners

V_S.

1. R.Gopi

2. The District Collector Kancheepuram Kancheepuram District

3. The District Revenue Officer
Kancheepuram
Kancheepuram District

4. The Thasildar
Kundrathur Taluk
Kundrathur, Kanchipuram District

5. Fit Person/Executive Officer
Arulmigu Karupaneeswarar Temple
Nallur - 602 109

6. The Sub-Inspector of Police
C-4, Somangalam Police Station
Somangalam
Kanchipuram District

... Respondents

Prayer :

Review Application (writ) filed under Article 226 of the Constitution of India, to review the order dated 16.08.2021 made in W.P. No.16814 of 2021.

Prayer in W.P. No.16814 of 2021:

Petition filed under Article 226 of the Constitution of



WEB COPY

India, praying for issuance of Writ of Mandamus directing the respondents 1 to 5 to remove the encroachments made by the respondents 6 to 8 in the temple land in S.No.1C/1 situated at Nallur village Kundrathur Taluk Kancheepuram District consequently direct the 2nd respondent to pass an order with regard to classification of temple land and issuance of patta based on the proceedings of the 4th respondent dated 13.7.2021.

For Review : Mr.J.Sathiyamoorthy
Petitioners

For Respondents : Mr.C.D.Modhi
Government Advocate

O R D E R
(Delivered by M. DURAISSWAMY, J.)

The respondents 6 to 8 in the writ petition in W.P. No.16814 of 2021, have filed the above Review Application, to review the order passed in the said writ petition on 16.08.2021.

2. The first respondent herein/writ petitioner filed the writ petition to issue a Writ of Mandamus, directing the official respondents 1 to 5 therein, to remove the encroachments made by the Review Applicants in the temple land in S. No.1C/1 situated at Nallur Village, Kundrathur Taluk, Kancheepuram District and consequently for a direction to the District Revenue Officer, Kancheepuram District to pass an order with regard to classification of the temple land and for the issuance of patta, based on the proceedings of the Fit Person/Executive Officer of the temple dated 13.07.2021.

3. The Division Bench of this court, by order dated 16.08.2021, after taking into consideration the case of the first respondent/writ petitioner and the learned Government counsel appearing for the District Collector and the Fit Person/Executive Officer, disposed of the writ petition observing that, even the trespassers cannot be dispossessed, without following the due process of law. Since it was represented before the Division Bench that attempts are being made to encroach upon the temple property, the Division Bench, thought it appropriate to permit the temple to put up a compound wall in order to safeguard the said property. In such circumstances, the Division Bench directed the temple to start constructing a compound wall on 23.08.2021 in and around the said property and further directed the sixth respondent/police to give appropriate police protection for raising the compound



wall in respect of the subject property and to continue the protection till the completion of the construction.

WEB COPY

4. In respect of reclassification of the land and for issuance of patta, the Division Bench, directed the authorities to consider the request of the temple and pass orders at the earliest, after giving sufficient opportunity to the parties concerned.

5. Mr.J.Sathiyamoorthy, learned counsel appearing for the applicants submitted that the Division Bench disposed of the writ petition, without issuing notice to the Review Applicants.

6. On a reading of the order passed by the Division Bench, it is clear that the Division Bench has not stated a single word adverse to the Review Applicants. In order to protect the property of the temple, the Division Bench directed the temple authorities to put up a compound wall in and around the subject property. Even for the reclassification and for issuance of patta, the authorities were directed to pass orders only after giving sufficient opportunity to the parties concerned. Hence we are of the considered view that the Review Applicants cannot have any grievance as against the order passed by the Division Bench in the writ petition.

7. That apart, we do not find any error apparent on the face of the record, warranting interference in the Review Application. Unless there is an error apparent on the face of the record, the Review application cannot be entertained. In such view of the matter, we are not inclined to entertain the Review Application.

8. Accordingly, the Review Application is dismissed. However, there is no order as to costs. Consequently, the connected writ miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Asr



To

1. The District Collector
Kancheepuram
Kancheepuram District
2. The District Revenue Officer
Kancheepuram
Kancheepuram District
3. The Thasildar
Kundrathur Taluk
Kundrathur
Kanchipuram District
4. Fit Person/Executive Officer
Arulmigu Karupaneeswarar Temple
Nallur - 602 109
5. The Sub-Inspector of Police
C-4, Somangalam Police Station
Somangalam
Kanchipuram District

+1cc to the Government Pleader, S.R.No.68688

Rev. Appln. (W) No.137 of 2021

SSI (CO)
PM/05/01/2022