

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.10355 of 2015

- 1.V.Devarajan
- 2.V.Dhanasekar
- 3.Tmt.Kousalya
- 4.Tmt.Kokila

... Petitioners

Vs.

1. The Joint Commissioner,
Hindu Religious & Charitable
Endowments (Admin) Department,
Salem 636 007.
2. The Fit Person,
Sri Chenroyaperumal Temple,
Mookanur Village, Omalur Taluk,
Salem District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent herein to dispose of M.P.No.2/2011/B1 on the petitioner file, within a limited time frame and also vacate the order, if any appointing the second respondent as Fit Person of Sri Chenroya Perumal Temple, Mookanr, and further direct the second respondent to desist from interfering in any manner with the administration of Chenroya Perumal Temple, Mookanur, Omalur Taluk, Salem District by the petitioners and pass such further orders.

For Petitioners : Mr.M.Ravi

For Respondents : Mr.M.L.Mahendran,
Government Advocate (H.R.& C.E.) for R1

O R D E R

By consent, this writ petition is taken up for final disposal.

2. The petitioners claim that their father Mr.Venugopal filed an application under Section 63(b) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, before the Deputy Commissioner, H.R. & C.E. (Admin.) Department, Coimbatore for a

declaration they are the hereditary trustees of the temple viz. Sri Chenroyaperumal Temple situated at Mookanur Village, Omalur Taluk, Salem District and by order dated 23.06.1975, the said application was allowed and the petitioners 1 and 2 became the hereditary trustees of the temple and no appeal has been filed as against the same and hence, it has become final. The petitioners would further state that consequent upon the demise of his father, the petitioners, who are next in the line of succession, became entitled to succeed to the office of hereditary trusteeship and as per Section 54(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, they have submitted a petition dated 30.03.2011 to the Joint Commissioner, H.R. & C.E. (Admin.) Department, Salem, intimating the occurrence of permanent vacancy in the office of the hereditary trusteeship of the temple and it was taken on file in M.P.No.2/2011/B1 and notice was issued. However, the said petition was given disposal and a Fit Person was appointed and he is also conducting public auction on 10.04.2015 at 3.00 p.m.

3. Mr.M.Ravi, learned counsel appearing for the petitioners would submit that the application is kept pending for nearly 4 years and taking advantage of the same, the properties and affairs of the temple are misused and hence prays for appropriate orders.

4. This Court heard the submissions of Mr.M.L.Mahendran, learned Government Advocate (H.R. & C.E) appearing for the first respondent.

5. Though the petitioners have prayed for larger relief, this Court is of the view that it would suffice to direct the first respondent to consider the application of the petitioners in M.P.No.2/2011/B1 on merits within a stipulated time.

6. Hence, this Writ Petition is disposed of with a direction to the first respondent to consider the petition in M.P.No.2/2011/B1 submitted by the petitioners and pass orders on merits and in accordance with law, as expeditiously as possible, not later than six weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioners. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jvm

To

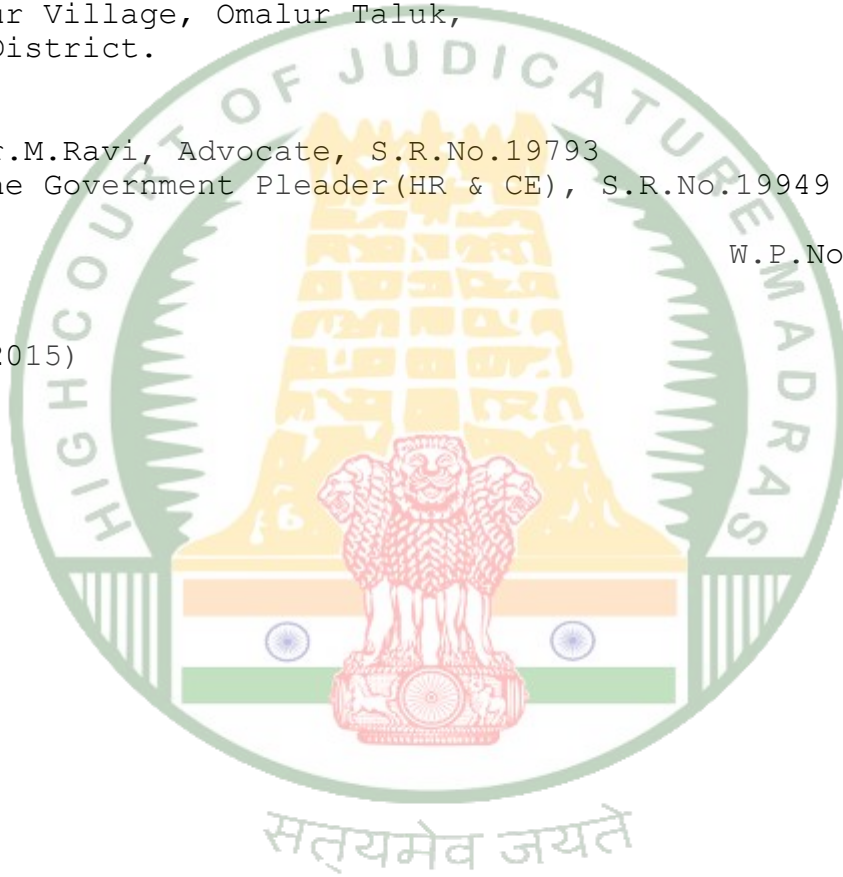
1. The Joint Commissioner,
Hindu Religious & Charitable
Endowments (Admin) Department,
Salem 636 007.
2. The Fit Person,
Sri Chenroyaperumal Temple,
Mookanur Village, Omalur Taluk,
Salem District.

+lcc to Mr.M.Ravi, Advocate, S.R.No.19793

+lcc to the Government Pleader (HR & CE), S.R.No.19949

W.P.No.10355 of 2015

RJ(CO)
CA(13/04/2015)



WEB COPY