

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.12123 of 2015

R.Muthusamy

.. Petitioner

- Vs -

1. The Commissioner,
H.R & C.E Department, Chennai,
O/o The Commissioner,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai - 600 034.
 2. The Joint Commissioner,
H.R. & C.E. Department, Coimbatore Division,
O/o Joint Commissioner, HR & CE,
Coimbatore District.
 3. M.Eswaran
 4. N.Krishnasamy
- ... Respondents

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the first respondent to dispose of petitioner application dated 21.08.2013 within the time frame.

Petitioner : Mr.E.Ganesh

For Respondents 1&2 : Mr.M.L.Mahendran
Government Advocate (HR & CE)

W R D E R

By consent, the writ petition is take up for final disposal.

2. The petitioner states that there were series of appointments made in the H.R. & C.E. Department appointing non-hereditary trustees to A/M Ellari Mariamman Temple, Erampalayam, Thodapalli alias Kasipalayam Village, Gobi Taluk, Erode District. The petitioner further states that vide Memo No.436/38 dated 15.03.1939 three trustees were appointed from among the members of the Nadar Community however not from any particular clan. It is further

stated by the petitioner that the grandfather of the third respondent has surreptitiously filed an application under Section 63 (b) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 to declare the office of the temple as hereditary and to declare him as the hereditary trustee of the temple by filing O.A.No.23 of 1982. The petitioner would further submit that certain materials and relevant documents have been suppressed while getting the order in O.A.No.23 of 1982. In this regard, he sent a representation dated 21.08.2013, to the first respondent and the first respondent sent a notice in R.C.No.43927/2013 D2, dated 21.08.2013 to the second respondent calling for records. The second respondent on receipt of the same, sent back the relevant records to the first respondent. The petitioner has also furnished all the particulars to the first respondent. The grievance of the petitioner is that in spite of the same, no order has been passed. Hence, the petitioner has come forward with this writ petition.

3. Heard the submissions of Mr.E.Ganesh, learned counsel appearing for the petitioner and Mr.M.L.Mahendran, learned Government Advocate (HR & CE) accepts notice for the respondents 1 to 2.

4. This Court, taking into consideration the limited scope of the prayer sought for by the petitioner, without going into the merits of the representation, directs the first respondent to consider and dispose of the representation of the petitioner dated 21.08.2013, on merits and in accordance with law, after putting on notice the respondents 3 and 4 and pass orders as expeditiously as possible and not later than eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as the respondents 3 and 4. The writ petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

kk

To

1. The Commissioner,
H.R & C.E Department, No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai - 600 034.

2. The Joint Commissioner,
H.R. & C.E. Department, Coimbatore Division,
Coimbatore District.

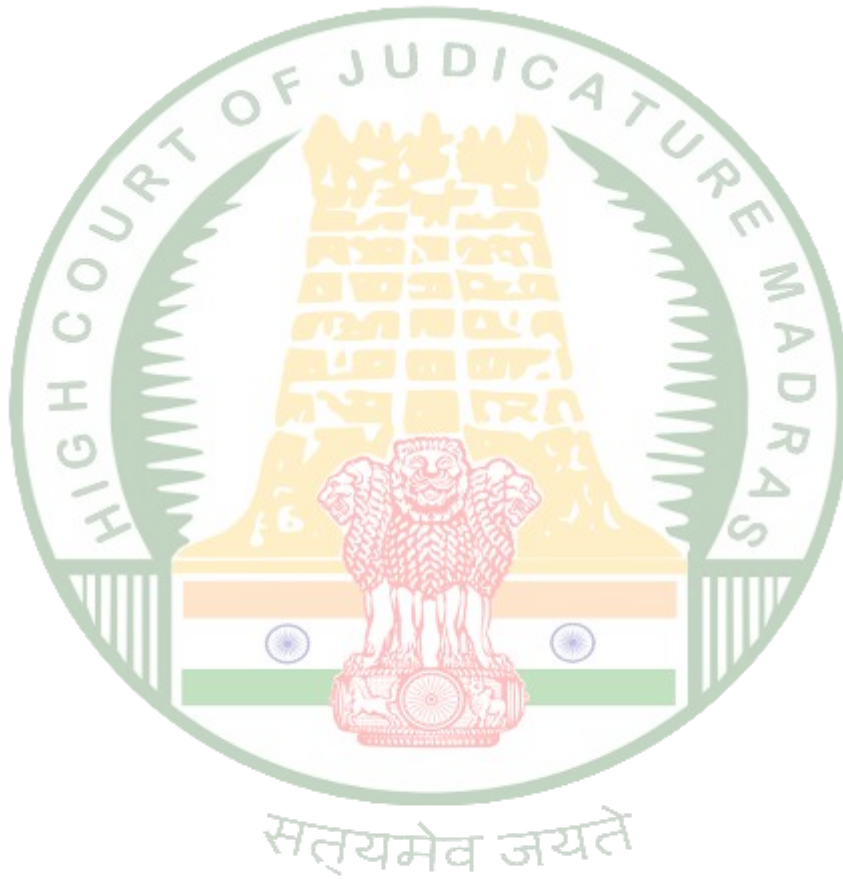
1 cc to Government Pleader, Sr. 22495

1 cc to Mr.E. Ganesh, Advocate, sr. 23170

W.P.No.12123 of 2015

PA (CO)

kk 20/5



WEB COPY