

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2015

CORAM:

The Honourable MR.JUSTICE T.S.SIVAGNANAM

W.P.No.12458 of 2014

M.Srinivsan

... Petitioner

- Vs -

1. The Secretary to Government,
Tamil Culture and Religious Endowments Department,
Secretariat, Fort St. George,
Chennai 600 009.
2. The Commissioner,
Hindu Religious and Charitable Endowments Board,
Mahatma Gandhi Road,
Nungambakkam,
Madras 600 034.
3. The Joint Commissioner,
Hindu Religious and Charitable Endowments Board,
Mahatma Gandhi Road,
Nungambakkam,
Madras 600 034.
4. R.Balakrishnan

... Respondents

Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents appoint an Government Auditor to inspect and audit all the relevant documents pertaining to the movable and immovable properties of Sri Vijayaraghavalu Chetty and Smt.Narasamma Estate (Sri Ramanuja Vijaya Vilasam) at Saidapet from the year 1996 to till date and take appropriate action in accordance with law.

For Petitioner : Mr.R.Jayaprakash

For Respondents : Mr.S.Kandasamy, Spl.G.P. (R1 to R3)
No Appearance (R4)

O R D E R

Heard Mr.R.Jayaprakash, learned counsel for the petitioner, Mr.S.Kandasamy, learned Special Government Pleader for respondents 1 to 3.

2. The petitioner seeks for issuance of a writ of mandamus to direct the respondents appoint an Government Auditor to inspect and audit all the relevant documents pertaining to the movable and immovable properties of Sri Vijayaraghavalu Chetty and Smt.Narasamma Estate (Sri Ramanuja Vijaya Vilasam) at Saidapet from the year 1996 to till date and take appropriate action in accordance with law.

3. The petitioner in the affidavit filed in support of the writ petition has made various allegations against the manner in which the trust has been administered and certain allegations are directed against the fourth respondent who has been a managing trustee of the trust. The petitioner earlier filed W.P.No.29672 of 2012 seeking a direction to direct the H.R.& C.E. department to direct the Deputy Commissioner to inspect and audit the affairs of the trust and to pass an order. The said writ petition was disposed of by this court as per order dated 29.11.2012. Alleging that the said order has not been complied with within the time stipulated Contempt Petition No.2418 of 2013 was filed. Since the order in this regard has been thereupon passed by the H.R.& C.E. Department, the said Contempt Petition was closed on 11.10.2013. The petitioner appears to have not challenged the proceedings of the Commissioner dated 08.08.2013, but has given a new representation dated 23.10.2013 requesting the government to conduct audit by the government auditors.

4. Learned Special Government Pleader submitted that there has been reorganisations among the affairs of the trust and the fourth respondent is not the managing trustee and one Manoharan has taken over the charge of the trust and is managing the trust.

5. So far as the relief sought for to consider the representation, it is submitted that the H.R.& C.E. Department and other officials of the trust arrayed as defendants in O.S.No.7982 of 2013 filed by the present managing trustee Manoharan and official respondents have been restrained not to interfere with the affairs therefore, assuming a direction is issued, the order passed by the Civil Court is already against the official respondents. In the light of the above facts, since already the fourth respondent is not managing the trust and in view of the fact that the new person has assumed charge it is open to the petitioner to work out his remedy or go before the Civil Court.

6.With the above observation, this writ petition is disposed of.
No costs.

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar.

SMI

To

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Chennai 600 009.
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Mahatma Gandhi Road,
Nungambakkam,
Madras 600 034.

+1cc to Mr.R.Jayaprakash, Advocate, S.R.No.9464
+1cc to the Government Pleader, S.R.No.9403

सत्यमेव जयते

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GGK(CO)
CA(03/03/2015)

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