

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.15752 of 2015
and M.P.No.1 of 2015

Sri Ayyannar Koil
Rep. By Dharmakartha
Narayanasamy Udaiyar,
Veerangipuram Village,
Thirukoilur Taluk,
Villupuram District.

... Petitioner

- Vs -

1.The District Collector,
Villupuram District,
Villupuram.

2.The Tahsildar,
Thirukovilur,
Tirukovilur Taluk,
Villupuram District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus forbearing the 2nd respondent from interfering with the affairs of the religion and the administration of the management of the petitioner temple viz., Sri Iyyannar Koil, Veerangipuram Village, Tirukovilur Taluk, Villupuram District, except in accordance with due process of law.

Petitioner

: Mr.G.Rajan

For Respondents

: Mr.V.Subbiah,
Spl. Government Pleader

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ORDER

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

2. The petitioner claims to be the Dharmakartha of Sri Iyyanar Temple. The petitioner stated that about 300 years ago the temple came into being and the office of the trusteeship is by succession. The petitioner would further state that on 29.08.1970 Devadhaya Inam was granted to the temple and subsequently, patta was also granted in the name of the temple in which the petitioner's name is shown as "Dharmakartha". Subsequently, a settlement was also executed on 02.04.1979 in the name of idol of the temple and the name of the petitioner is also shown as "Dharmakartha". According to the petitioner, there are numerous documents to show that the petitioner is acting as "Dharmakartha" of the said temple and subsequently there was a inter se dispute which led to a law and order problem and therefore, a peace committee was constituted and the 2nd respondent who headed the peace committee meeting on 04.05.2015. In the said peace committee meeting it has been decided to elect a new Dharmakartha. Now, the grievance expressed by the petitioner is that it is a public temple coming under the control of the Tamil Nadu HR & CE Department and, therefore, it is not open to the 2nd respondent to conduct an election for electing trustee/dharmakartha. In this regard, the petitioner submitted a detailed representation on 28.05.2015 to the 1st respondent. Since the petitioner has not been favoured with any response, he came forward with this writ petition.

3. Heard the submissions of Mr.G.Rajan, the learned counsel for the petitioner and Mr.V.Subbiah, the learned Special Government Pleader, who accepts notice for the respondents 1 and 2.

4. The learned Special Government Pleader would submit that there is no acknowledgement for having submitted the representation to the 1st respondent. However, the learned Special Government Pleader would fair enough to concede that there may be a direction issued to the authority concerned authority to consider the representation of the petitioner within a reasonable time frame.

5. This court, taking into consideration the submissions made on either side and without going into the merits of the claim projected by the petitioner, directs the petitioner to submit one more representation to the 1st respondent by enclosing a copy of his earlier representation dated 28.05.2015 within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the 1st respondent shall, in turn, consider the representation of the petitioner in accordance with law after putting on notice to the persons concerned and pass appropriate orders on the same within a period of six weeks thereafter and communicate the decision taken, to the petitioner as well as the persons concerned.

6. This writ petition is, accordingly, disposed of.
Consequently, connected MP is closed.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

kmk
To

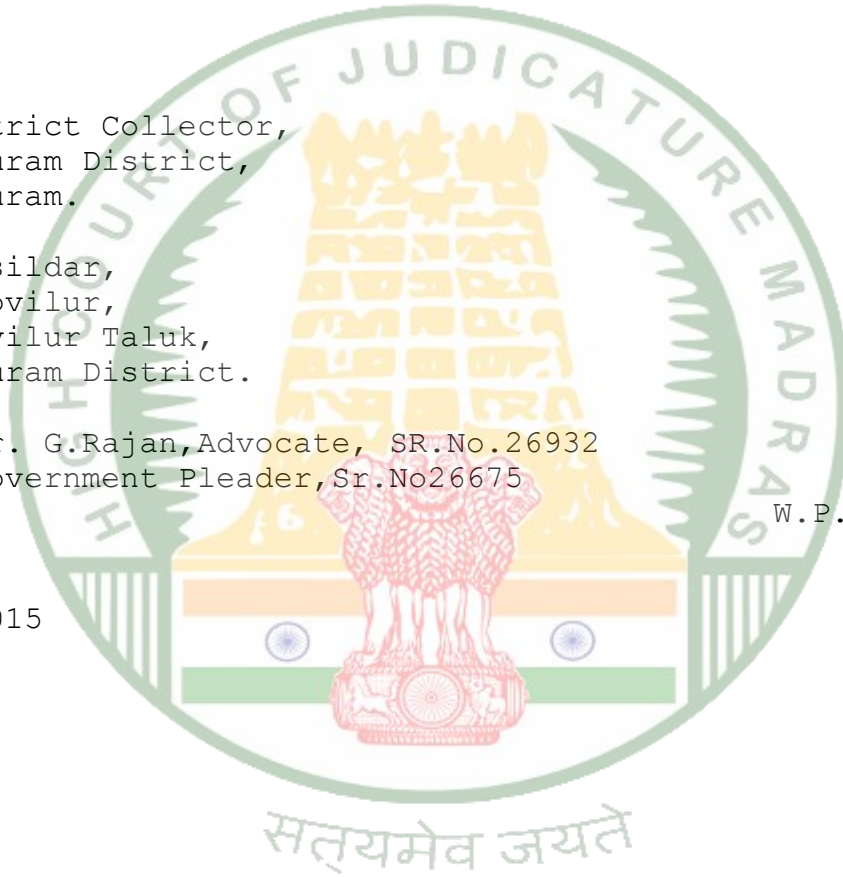
1. The District Collector,
Villupuram District,
Villupuram.

2. The Tahsildar,
Thirukovilur,
Tirukovilur Taluk,
Villupuram District.

1 cc to Mr. G.Rajan, Advocate, SR.No.26932
1 cc to Government Pleader, Sr.No26675

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