

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.NO.34304 OF 2014

and M.P.NO.1 OF 2014

G.Kannan

.. Petitioner

Vs

1. The State of Tamil Nadu
represented by
The Secretary to Government,
Hindu Religious and Charitable
Endowment Department,
Fort St. George,
Chennai 600 009.
2. The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Chennai - 600 006.
3. The Executive Officer,
Mylai Kapali Karpagambal Temple,
Mylapore, Chennai.
4. S.Shanmugam
5. S.Prabaharan

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the first and second respondents to hold enquiry with third, fourth and fifth respondents in respect of money collected sum of Rs.4,50,000/- from petitioner under the pretext of selling lands to petitioner with house situated around temple, i.e., Kapali Karpagambal Street, belonging to the third respondent and consequently direct the third respondent to return sum of Rs.4,50,000/- to petitioner by considering petitioner's representation dated 24.11.2014.

For Petitioner : Mr.I.Arockia Selvaraj

For Respondents: Mr.M.L.Mahendran,
Govt. Advocate for RR 1 and 2
Mr.N.Varadarajan for R3

O R D E R

Heard Mr.I.Arockia Selvaraj, learned counsel appearing for the petitioner, Mr.M.L.Mahendran, learned Government Advocate for the first and second respondents and Mr.N.Varadarajan, learned counsel for the third respondent.

2. The petitioner seeks for a direction upon the first and second respondents to hold enquiry against the third, fourth and fifth respondents in respect of money collected to the tune of Rs.4,50,000/- from the petitioner under the pretext of selling lands with house situated around temple, i.e., Kapali Karpagambal Street, belonging to the third respondent to him and consequently direct the third respondent to return the sum of Rs.4,50,000/-, by considering his representation dated 24.11.2014.

3. According to the petitioner, the respondents 4 and 5, representing as if they are staff of the third respondent temple, have defrauded him promising him to sell temple property.

4. The third respondent has filed a counter-affidavit stating that the respondents 4 and 5 are strangers and they are nothing to do with the third respondent temple and the temple has no knowledge about the allegations of the petitioner against those persons. Further, the property of the temple can be sold only under Section 34 of the Hindu Religious and Charitable Endowments Act with the permission of the Commissioner, Hindu Religious and Charitable Endowments. Therefore, the third respondent would state that the relief sought for in this writ petition cannot be granted.

5. It is seen that the fourth and fifth respondents refused to receive the notice sent by this Court and therefore, their names are printed in the cause list, but none appears for the fourth and fifth respondents.

6. However, in the light of the stand taken by the third respondent, no further order is required in this writ petition except observing that the petitioner can workout his remedies before the appropriate forum and no writ of Mandamus, as sought for, can be issued. Accordingly, the writ petition is disposed of

leaving it open to the petitioner to workout his remedies before the appropriate forum. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (Records)

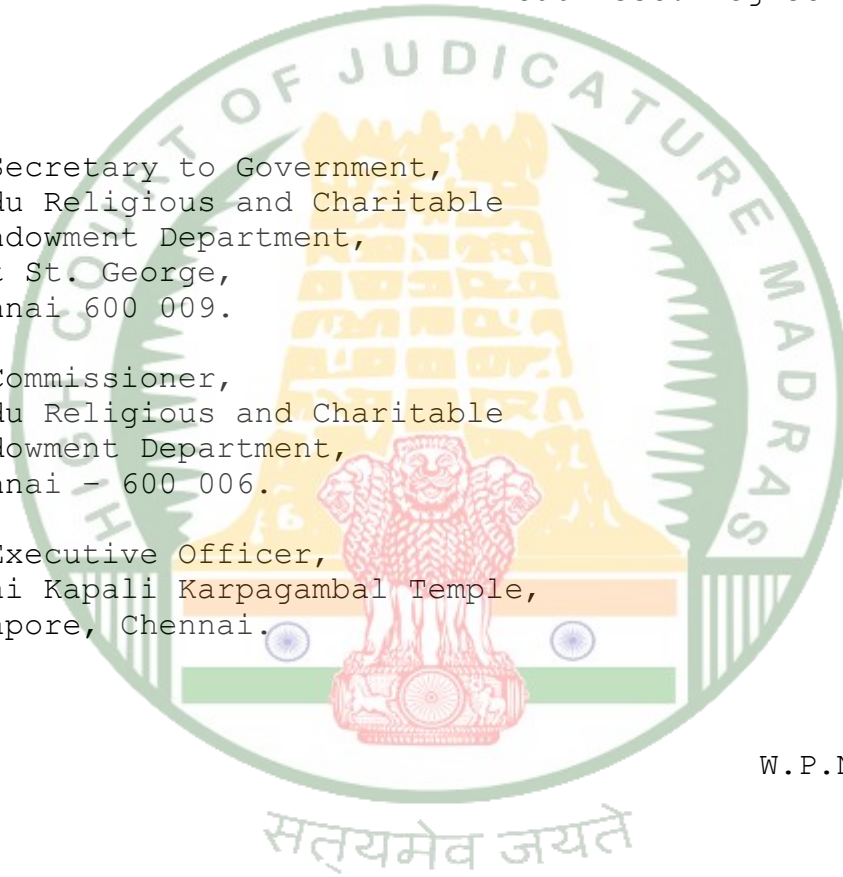
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Sub Asst. Registrar

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To

1. The Secretary to Government,
Hindu Religious and Charitable
Endowment Department,
Fort St. George,
Chennai 600 009.
2. The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Chennai - 600 006.
3. The Executive Officer,
Mylai Kapali Karpagambal Temple,
Mylapore, Chennai.



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