

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.19613 of 2015

And

M.P.No.1 of 2015

Sivaramakrishnan

... Petitioner

Vs.

1. The Commissioner
Hindu Religious and Charitable Endowments Department
Uthamar Gandhi Salai
Nungmabakkam Chennai.
2. The Joint Commissioner
Hindu Religious and Charitable Endowments Department
Villupuram
3. The Assistant Commissioner
Hindu Religious and Charitable Endowments Department
Cuddalore
4. The Inspector
Hindu Religious and Charitable Endowments Department
Thittakudi Cuddalore District
5. A.Govindarajulu
6. A.Dhanabal
7. Sridhar
8. Subbiah
9. J.Jeya
10. J.Aravindan

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to adjudicate and dispose the O.A.No.7/2013 pending on his file within stipulated time limit according to law and consequently direct the 1st and 2nd respondent not to appoint any person as Fit Person or Hereditary Trustee other than the petitioner.

For Petitioner : Mr.S.Muthalraj

For Respondents : Mr.M.L.Mahendran for R1 to R4
Government Advocate (HR & CE)

O R D E R

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

2.The petitioner would claim that Arulmigu Ellaiamman Thirukovil, Pennadam, Thittakudi Taluk, Cuddalore District is one of the family deity of his family members and it was constructed and consecrated by his great grandfathers namely Bangaru Naicker and Varadappa Naicker and the families of the founders got enlarged to 16 families and as such the Temple belongs to 16 families and they alone have the right over the affairs of the Temple and the only persons from 16 families are entitled to act as hereditary trustees. The petitioner would further state that the Hindu Religious and Charitable Endowments Department made attempts to appoint a non-hereditary trustee and hence they filed O.A.No.76 of 1969 under Section 63(B) of the Hindu Religious and Charitable Endowments Act (HR & CE) and it was allowed and the trusteeship was declared as hereditary one. Subsequently, the fifth respondent took over the trusteeship. As there was mal-administration, on 25.04.1995, the Hindu Religious and Charitable Endowments Department directed him to hand over the trusteeship to Narayansamy Naidu as Govindasamy Naidu has completely changed the administration of the Temple. In the above said circumstances, the petitioner and three other persons filed O.A.No.7 of 2013 before the second respondent praying for removal of Govindarajulu Naidu and frame a scheme to appoint hereditary trustee of the Temple. Though, it is pending for two years, no order has been passed and hence came forward to file this writ petition.

3.Heard the submissions of Mr.S.Muthalraj, learned counsel appearing for the petitioner and Mr.M.L.Mahendran, learned Government Advocate (HR & CE) who accepts notice for the respondents 1 to 4.

4.This Court taking into consideration the limited scope of prayer sought for by the petitioner and without entering upon its merits directs the second respondent to consider and dispose of the O.A.No.7 of 2013 after putting on notice the persons concerned and pass orders within a period of eight weeks from the date of receipt of a copy of this order and inform the decision taken to the petitioner as well as the persons concerned.

5.The writ petition is disposed of accordingly. Consequently, connected miscellaneous petition is also closed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner
Hindu Religious and Charitable Endowments Department
Uthamar Gandhi Salai
Nungmabakkam Chennai.
2. The Joint Commissioner
Hindu Religious and Charitable Endowments Department
Villupuram
3. The Assistant Commissioner
Hindu Religious and Charitable Endowments Department
Cuddalore
4. The Inspector
Hindu Religious and Charitable Endowments Department
Thittakudi Cuddalore District.

+1cc to Mr.S.Muthuraj, Advocate, S.R.No.33441
+1cc to the Government Pleader, S.R.No.33678

सत्यमेव जयते

W.P.No.19613 of 2015
And
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BVR(CO)
CA(15/07/2015)

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