

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.22710 of 2015

R.Murugan

... Petitioner

Vs

1. The Deputy Commissioner,
HR & CE (Adm.) Department,
Villupuram.

2. G.Samidurai

... Respondents

Petition filed under Article 226 of The Constitution of India, praying for the issuance of a Writ of mandamus to direct the first respondent to dispose the application under Section 64(1), 2 (a) (b) & (c) of Tamil Nadu Religious and Charitable Endowments Act filed by the petitioner along with four others on 05.01.2015 within the stipulated time.

For Petitioner : Mr.A.Panneerchelvam

For Respondents : Mr.M.L.Mahendran,
Government Advocate for R1

ORDER

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

2.The petitioner would state that Arulmigu Sree Chokkaye Ammal Thiruvarasumoorthy Andavar Temple is a listed temple in terms of Section 46(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (in short 'H.R. & C.E. Act') and having come to know about the misdeeds played by the second respondent, sought detail from the first respondent under Right to Information Act. The

petitioner, on getting information, came to know that the second respondent is functioning as hereditary trustee and in the light of the misdeeds and illegalities committed by him, he cannot function in that capacity. It is further stated by the petitioner that the second respondent got a declaration to function as hereditary trustee vide order dated 14.08.1990 in O.A.No.10 of 1990. The petitioner, aggrieved by the continuation of the second respondent as hereditary trustee, filed an application under Section 64(1), 2 (a)(b) & (c) of the H.R. & C.E. Act, praying for settling the scheme, thereby the second respondent has to be removed from the post of hereditary trustee. Since it has not been given disposal at an early date, he came forward to file this writ petition.

3. Heard the submissions of Mr.M.L.Mahendran, learned Government Advocate, who accepts notice on behalf of the first respondent. He would submit that the concerned officer, who has to dispose of the said application is Joint Commissioner (Administration), H.R. & C.E. Act, Villupuram and a direction may be issued to the said official to pass an order at an early date.

4. This Court, taking into consideration the limited scope of the prayer sought for by the petitioner, without going into the merits of the same, directs the Joint Commissioner (Administration), H.R. & C.E. Act, Villupuram to dispose of the application submitted by the petitioner in accordance with law, after putting on notice, the second respondent and pass orders within a period of 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 second respondent. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

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To

1. The Deputy Commissioner,
HR & CE (Adm.) Department,
Villupuram.
2. The Joint Commissioner,
H.R. & C.E. (Admn.),
Villupuram.

+lcc to Mr.Panneer Selvam, Advocate, S.R.No.38474
+lcc to the Government Pleader, S.R.No.38863

W.P.No.22710 of 2015

VGI (CO)
CA(10/08/2015)



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