

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.26034 of 2015

V.Viswanatha Gurukkal

.. Petitioner

Vs

1.The Principal Secretary to Government,
Hindu Religious and Charitable Endowments
Department, Fort St. George,
Chennai - 9.

2.The Assistant Commissioner cum
Executive Officer,
Arulmigu Subramania Swamy Thirukovil,
Maruthamalai,
Coimbatore - 641 046.

.. Respondents

Petition filed under Article 226 of The Constitution of India, praying for the issuance of a Writ of mandamus directing the respondents herein to consider the representation of the petitioner dated 13.07.2015 for appointment.

For Petitioner .. Mr.T.Padmanabhan

For Respondents .. Mr.K.V.Dhanapalan,
Addl. Govt. Pleader

ORDER

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

2.The petitioner claims that he is temporarily working as an Archaka in Arulmigu Subramania Swamy Thirukovil, Maruthamalai, Coimbatore - 641 046 and he is the sole bread winner of the family. It is stated by the petitioner that his brother was also working as an Archaka in the above said temple for over 40 years and he has attained the age of superannuation during the year 2012. The petitioner is working as an Archaka in a temporary capacity. The petitioner also claims that the post of Archaka is a hereditary one and therefore, he is also entitled to be considered as his brother was an Archaka in the said temple and in this regard, submitted

representations dated 21.03.2015, 14.04.2015 and 13.07.2015 to the respondents 1 and 2 and it did not invoke any kind of response. It is also the stand of the petitioner that G.O.Ms.No.255 Tamil Nadu Hindu Religious Endowments and Information dated 28.06.2010 is also squarely applicable to his case and hence prays for appropriate orders.

3.The Court heard the submissions of Mr.T.Padmanabhan, learned counsel appearing for the petitioner and Mr.K.V.Dhanapalan, learned Additional Government Pleader, who accepts notice on behalf of the respondents and would submit that as per Section 55 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, the Trustee has to consider the request made by the petitioner.

4.This Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the petitioner to submit a representation to the Trustee of Arulmigu Subramania Swamy Thirukovil, Maruthamalai, Coimbatore - 641 046, within a period of two weeks from the date of receipt of a copy of this order, by enclosing a copy of the order passed in this writ petition as well as the earlier representations and the Trustee, on receipt of the same, is directed to consider the same on merits and in accordance with law and pass orders thereon within a period of eight weeks thereafter and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

mmi

To

1.The Principal Secretary to Government,
Hindu Religious and Charitable Endowments
Department, Fort St. George,
Chennai - 9.

2.The Assistant Commissioner cum
Executive Officer,
Arulmigu Subramania Swamy Thirukovil,
Maruthamalai,
Coimbatore - 641 046.

3.The Trustee,
Arulmigu Subramania Swamy Thirukovil,
Maruthamalai,
Coimbatore - 641 046.

1 cc to Mr. T.Padmanabhan, Advocate, sr. 44808

1 cc to Spl. Government Pleader, Sr.(HR & CE), sr. 44605

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