

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 09-03-2015

CORAM:

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

W.P.No.1785 of 2014

1 V.KARTHIK
S/O.K.VIJAYA SANKAR NO.1/279
MOOGAMBIGAI NAGAR
KOVALAM ROAD KELAMBAKKAM
CHENNAI- 603 104 [PETITIONER]

Vs

1 THE COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS
DEPARTMENT NO.119 UTHAMAR GANDHI SALAI
NUNGAMBAKKAM CHENNAI-34

2 THE JOINT COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS
DEPARTMENT NO.119 UTHAMAR GANDHI SALAI
NUNGAMBAKKAM CHENNAI-34

3 THE ASSISTANT COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS
DEPARTMENT NO.119 UTHAMAR GANDHI SALAI
NUNGAMBAKKAM CHENNAI-34 [RESPONDENTS]

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the 2nd respondent herein to consider the application of the petitioner herein dated 30.7.2012 and appoint him as Hereditary Trustee of Arulmighu Paiyandi Amman Temple situate at Lloyds Road Nadukuppam Triplicane Chennai-5 as per the scheme Decree framed by this Honourable court in C.S.No.42 of 1923.

For petitioner :: Mr. M.Balasubramanian
For respondents :: Mr.M.L.Mahendran, Govt. Advocate

ORDER

Heard Mr. M. Balasubramanian, learned counsel for the petitioner and Mr. M.L. Mahendran, learned Government Advocate appearing for the respondents and perused the materials placed on record including the written instructions given by the learned Government Advocate.

2. The petitioner seeks for a direction to the 2nd respondent herein to consider the application of the petitioner herein dated 30-07-2012 and appoint him as Hereditary Trustee of Arulmighu Paiyandi Amman Temple situate at Lloyds Road Nadukuppam Triplicane Chennai-5 as per the scheme Decree framed by this Honourable court in C.S.No.42 of 1923.

3. In the written instructions submitted by the learned Government Advocate it is submitted that the Office of Trustee was not declared hereditary by any court of law and as such the petitioner cannot clothe the trusteeship of the temple with any hereditary right and the existing scheme provides only for appointment of trustees from Pattanavar community people residing in Naduukuppam. That apart, several other factual details were set out in the instructions.

4. The petitioner seeks for appointment of hereditary trustee and it is for the concerned authority to consider the same. Therefore, there shall be a direction to the second respondent to pass orders, in accordance with law after conducting an enquiry and also giving a personal hearing to the petitioner. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of, accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

glp
To

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1 cc to Mr. M.Balasubramanian, Advocate, SR.No.13028

1 cc to Government Pleader, Sr.No13421