

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2015

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P.No.31305 of 2015

K.Sampath

... Petitioner

-Vs-

1.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Salem - 1.

2.The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Salem - 1.

3.The Executive Officer/Fit Person,
Sri Sendraya Perumal Temple,
Konur Village, Mettur Taluk,
Salem District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 1st respondent to temporarily appoint the petitioner as hereditary trustee as per Section 54 (2) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 in view of the petitioner's representation dated 15.09.2015.

For Petitioner : Mr.A.Esakkiappan

For Respondents : Mr.P.Sanjay Gandhi,
Additional Government Pleader

ORDER

It is seen that there is inter-se dispute between the petitioner and his brother qua hereditary trusteeship, which is pending consideration in O.P.No.32 of 1993 before the respondent no.1. It is also seen that as against the order dated 27.02.2008 passed in the said petition, an appeal was filed in A.P.No.29 of 2013 D2 wherein OP was remitted for fresh consideration and is now pending consideration before the respondent no.1.

2.As admittedly, O.P.No.32 of 1993 is still pending consideration of the respondent no.1, the request of the petitioner for appointment as hereditary trustee cannot be considered.

3.Accordingly, the Writ Petition is disposed of by directing the respondent no.1 to dispose of O.P.No.32 of 1993 within a period of eight weeks from the date of receipt of a copy of this order. No costs.

-s/d-

Assistant Registrar(CSIII)

dt:13/10/2015

True Copy

Sub-Assistant Registrar

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To

1.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Salem - 1.

2.The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Salem - 1.

3.The Executive Officer/Fit Person,
Sri Sendraya Perumal Temple,
Konur Village, Mettur Taluk,
Salem District.

+1 cc to Government Pleader sr.54060

+1 cc to Mr.A.Esakkiappan Advocate sr.53940

W.P.No.31305 of 2015

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