

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.8744 of 2015

V.Anbarasu

...Petitioner

vs.

The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Cuddalore District,
Cuddalore.

...Respondent

Prayer:

Petition filed under section 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to consider the representation of the petitioner dated 02.03.2015 and to take appropriate action to bring the Commercial Complex shop No.1 to 6 owned by Mangalur Panchayat and Arulmigu Varadharaja Perumal Swamy Temple property situated at Mangalore Village, Veppur Taluk, Cuddalore District to reauction the complex in accordance with law.

For Petitioner : Mr.M.Velmurugan

For Respondent : Mr.M.L.Mahendran
Government Advocate

O R D E R

Heard Mr.M.Velmurugan, learned counsel appearing for the petitioner and Mr.M.L.Mahendran, learned Government Advocate appearing for the respondent. With the consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

2.Petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondent to consider the

representation of the petitioner dated 02.03.2015 and to take appropriate action to bring the Commercial Complex shop No.1 to 6 owned by Mangalur Panchayat and Arulmigu Varadharaja Perumal Swamy Temple property situated at Mangalore Village, Veppur Taluk, Cuddalore District to react the complex in accordance with law.

3. Petitioner is the President of Mangalore Village Panchayat and according to the petitioner a shopping complex has been constructed with the funds of the Arulmigu Varadharaja Perumal Swamy Temple and Panchayat funds. The petitioner would state that the shops were brought for auction during 2013 after which the shops were not brought for public auction. Therefore, the petitioner wants his representation to be considered by the respondent and the shops be brought for public auction.

4. The petitioner has not impleaded the said Temple as respondent in the writ petition and it is not known as to whether the Temple is a village Temple or Temple coming under the control of the respondent Department. Furthermore, it is not known as to what was the agreement between the Panchayat or the trustees etc. Therefore, the question of issuing positive direction as sought for by the petitioner cannot be granted, more particularly in the absence of proper and necessary parties in the writ petition. Accordingly, there will be a direction to the respondent to consider the petitioner's representation dated 02.03.2015 and make necessary enquiries and proceed in accordance with law after hearing all the parties concerned.

5. The writ petition is disposed of with the above observations. No costs.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

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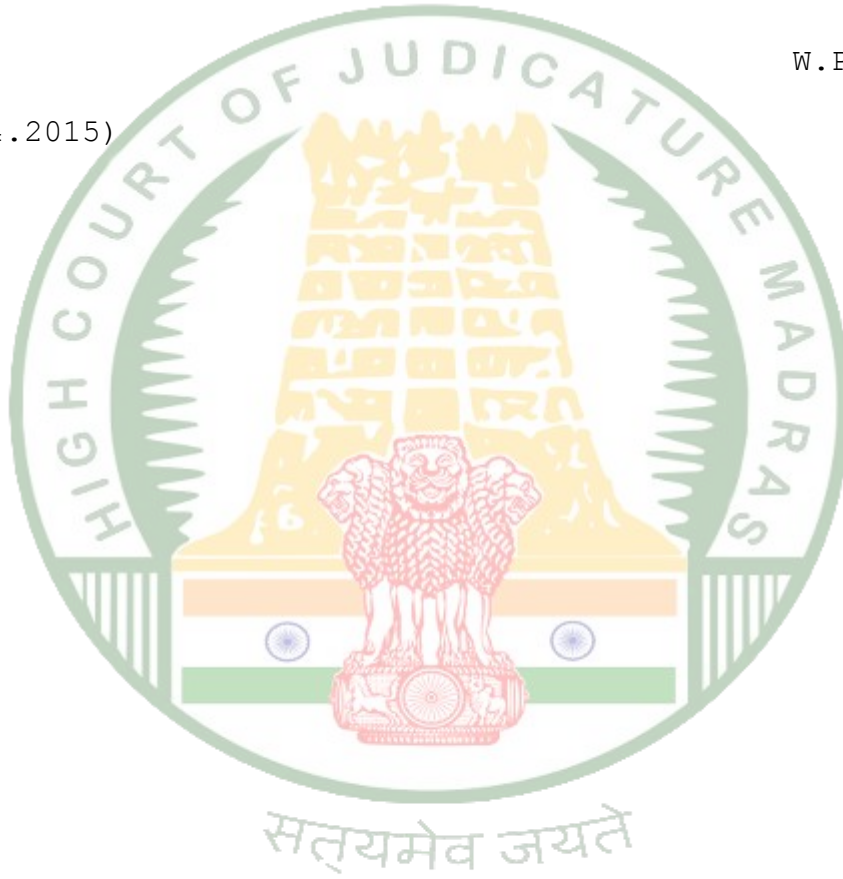
To

The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Cuddalore District,
Cuddalore.

1 CC to the Government Pleader, SR.No. 17434

GGK (CO)
PSI (09.04.2015)

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