

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2015

CORAM

THE HONOURABLE Mr. JUSTICE T.S. SIVAGNANAM

W.P.No.33214 of 2013

1.M.Balashanmugam

2.C.Rajendran

3.R.Paramashivam

... Petitioners

vs.

The Joint Commissioner,

O/o. Joint Commissioner,

Hindu Religious & Charitable Endowment Dept.,

Coimbatore-18.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue Writ of Mandamus directing the respondent to dispose the application of the petitioners dated 14.9.2013 in accordance to law after conducting proper de nova enquiry of it within time frame fixed by this Court.

For Petitioners : Mr.E.Ganesh

For Respondent : Mr.S.Kandaswamy
Spl. G.P. (HR & CE)

ORDER

Heard Mr.E.Ganesh, learned counsel appearing for the petitioner and Mr.S.Kandaswamy, learned Special Government Pleader (HR & CE) appearing for the respondent.

2. The petitioner seeks the following relief in the writ petition:-

"For the reasons stated in the accompanying affidavit, the petitioner prays that this Hon'ble Court may be pleased to issue Writ or Order or Direction more particularly in the nature of Writ of Mandamus directing the respondent to dispose the application of the petitioners dated 14.9.2013 in accordance to law after conducting proper de nova enquiry of it within time frame fixed by this Hon'ble Court and pass other suitable orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice."

3. The grievance of the petitioner is that inspite of the Scheme framed in O.A.No.29 of 1997, dated 10.7.2012, applications are not called for from the particular community for appointment as Trustees of the temple.

4. During the pendency of the writ petition, a communication dated 31.12.2013 was issued by the Joint Commissioner, Hindu Religious & Charitable Endowment Department, Coimbatore-18 informing the petitioners that as and when applications are called for, they can submit application and the same will be considered.

It is to be pointed out that after a lapse of more than one year from the date of issuance of said communication, no further steps have been taken by the respondent to appoint Trustees of Arulmighu Vettaikaraswamy temple. As long as the appointment of Trustees settled in O.A.No.29 of 1997 has not been varied or modified, the respondent should abide by the Scheme which has been settled. Therefore, there will be a direction to the respondent to call for the names for considering for appointment as Trustees of the temple in accordance with the Scheme settled in O.A.No.29 of 1997, dated 10.7.2012, within a period of four weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of, as stated supra. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

The Joint Commissioner,
O/o. Joint Commissioner,
Hindu Religious & Charitable Endowment Dept.,
Coimbatore-18.

1 cc to Government Pleader, Sr.No5832
1 cc to Mr.E.Ganesh ,Advocate, SR.No.5886

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