

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 5-8-2015

CORAM:

THE HON'BLE MR.JUSTICE M.JAICHANDREN

W.P. No.34041 of 2012
and
M.P.No.1 of 2012

D.Thangavel Udayar

...Petitioner

Versus

1. The Commissioner,
Hindu Religious & Charitable
Endowments Department,
Uttamar Gandhi Salai,
Nungambakkam, Chennai 600 034.

2. The Joint Commissioner,
Hindu Religious & Charitable
Endowments Department,
Uttamar Gandhi Salai, Nungambakkam,
Chennai 600 034.

3. The Executive Officer,
Arul Kottam,
A/m Murugan Tirukoil,
Nethaji Nagar, Tondairpet,
Chennai 600 081.

4. S.Subramanian

...Respondents

Prayer: Writ Petition is filed to issue a writ of Certiorarified Mandamus calling for the entire records pertaining to the proceedings of the 2nd respondent made in Na.Ka.No.9830/2012/A3, dated 20.12.2012 and quash the same and consequently direct the 2nd respondent to pass orders as directed by the 1st respondent in his proceedings No.22632/2012/H2, dated 18.9.2012. (Prayer amended as per order of this court dated 31.01.2013 in M.P.No.1 of 2013 in W.P.No. 34041 of 2012)

For petitioner : Mr.V.Srikanth

For respondents : Mr.K.V.Dhanapalan
Spl.G.P. (HR & CE) (R1, R2 & R3)

MR.N.Damodaran (R4)

ORDER

Heard the learned counsels appearing on behalf of the parties concerned.

2. The learned counsel appearing on behalf of the petitioner had submitted that, while the present writ petition, praying for a Writ of Mandamus was pending before this Court, the second respondent had passed the impugned order, dated 20.12.2012, withdrawing the privilege granted in favour of the petitioner to conduct Arudhra festival, in respect of Arul Mighu Murugan Thirukoil, Tondairpet, Chennai.

3. The learned counsel appearing on behalf of the respondents had submitted that the impugned order, dated 20.12.2012, is invalid in the eye of law, as it had been passed, without giving an opportunity of hearing to the petitioner.

4. The learned counsel appearing on behalf of the respondents had submitted that, taking into consideration the interest of the temple, a fresh order would be passed by the second respondent, after giving an opportunity of hearing to the petitioner, the fourth respondent and other persons concerned, if any, within a time limit, as specified by this court.

5. The learned counsel appearing on behalf of the petitioner had submitted that this Court may be pleased to direct the second respondent to pass an appropriate order, after giving an opportunity of hearing to the petitioner and the other persons concerned, if any, including the fourth respondent.

6. In view of the submissions made by the learned counsels appearing on behalf of the parties concerned, this Court finds it appropriate to direct the second respondent to consider the rival claims of the petitioner, as well as the fourth respondent and the other persons concerned, if any, with regard to the conducting of

Arudhra festival, in respect of Arul Mighu Murugan Thirukoil, Tondairpet, Chennai, and pass a fresh order, without reference to the impugned order, dated 20.12.2012, within a period of eight weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

csh

To

1. The Commissioner,
Hindu Religious & Charitable
Endowments Department,
Uttamar Gandhi Salai,
Nungambakkam, Chennai 600 034.

2. The Joint Commissioner,
Hindu Religious & Charitable
Endowments Department,
Uttamar Gandhi Salai, Nungambakkam,
Chennai 600 034.

3. The Executive Officer,
Arul Kottam,
A/m Murugan Tirukoil,
Nethaji Nagar, Tondairpet,
Chennai 600 081.

1 CC to Mr.V.Srikanth, Advocate SR.No. 41047

1 CC to the Government Pleader, SR.No. 40398

W.P. No.34041 of 2012

KGK (CO)
PSI (25.08.2015)