

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2015

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

W.P.No.34535 of 2012, W.P.No.34536 of 2012,
W.P.No.34537 of 2012 and W.P.No.34538 of 2012

- 1.Innachimuthu ... Petitioner in WP 34535/2012
- 2.M.Kasinathan .. Petitioner in WP 34536/2012
- 3.K.Meena ... Petitioner in WP 34537/2012
- 4.S.Murugan ... Petitioner in WP 34538/2012

vs.

1. The Commissioner
Hindu Religious and Charitable Endowments
(HR & CE) Department
No.119, Nungambakkam High Road
Chennai - 600 034
2. The Joint Commissioner
Hindu Religious and Charitable Endowments
(HR & CE) Department
No.119, Nungambakkam High Road
Chennai - 600 034
3. The Executive Officer
Arulmighu Margasagayeeswarar Temple
Maduravayal, Chennai - 95 .. Respondents in all the WPs

WEB COPY

This writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned communication of the third respondent dated 15.11.2012 and quash the same as it is arbitrary, illegal and against the order in G.O.Ms.No.456 dated 9.11.2007 and further direct the respondents to treat the petitioner as a tharai vadagaitharar of the temple and not to collect any penal rent,

legal and administrative charges on the basis of the petitioner's representation dated 17.12.2012.

For petitioners : Mr.T.Arockia Dass

For respondents : Mr.K.V.Dhanapalan
Special Government Pleader
for R1 and R2
Mr.A.S.Kailasam Associates for R3

C O M M O N O R D E R

Since the issues involved in all the writ petitions are similar in nature, they have been taken up together and a common order is being passed.

2. Heard the learned counsels appearing for the parties concerned.

3. At this stage of the hearing of the writ petitions, the learned counsel appearing for the third respondent had submitted that this Court had passed an order, dated 28.11.2012, made in W.P.Nos.31720 to 31741 of 2012, relating to the issues, which are similar in nature to those which have been raised in the present writ petitions. It is also submitted that as per the order passed by this Court, dated 28.11.2012, made in W.P.Nos. 31720 to 31741 of 2012, a similar order may be passed in the present writ petitions, considering the impugned communications issued by the third respondent, as show cause notices and the petitioners may be directed to raise their objections, if any, to the said show cause notices.

4. Since the petitioners had already submitted their objections, they may be permitted to raise additional objections, if so advised. On such additional objections being submitted, the third respondent shall consider the objections filed by the petitioners and pass appropriate orders thereon, on merits and in accordance with law.

5. In view of the submissions made by the learned counsels appearing for the parties concerned, the impugned communications issued by the third respondent shall be treated as show cause notices. If the petitioners find it fit to submit the additional objections, they may do so within a period of two weeks from the date of receipt of a copy of this order. On receipt of such objections, the third respondent shall consider the objections filed by the petitioners and pass appropriate orders thereon, on merits and in accordance with law, within a period of four weeks thereafter.

The writ petitions are ordered accordingly. No costs.
Connected M.P.Nos.1, 1, 1 and 1 of 2012 are closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

lan

To:

1. The Commissioner
Hindu Religious and Charitable Endowments
(HR & CE) Department
No.119, Nungambakkam High Road
Chennai - 600 034

2. The Joint Commissioner
Hindu Religious and Charitable Endowments
(HR & CE) Department
No.119, Nungambakkam High Road
Chennai - 600 034

3. The Executive Officer
Arulmighu Margasagayeeswarar Temple
Maduravayal, Chennai - 95

+1 cc to Mr.A.S.Kailasam & Associates, Advocate, sr.59244

+1 cc to Special Government Pleader, sr.59921

W.P.No.34535 of 2012, W.P.No.34536 of 2012,
W.P.No.34537 of 2012 and W.P.No.34538 of 2012

kgk co
kra 04.12.2015

WEB COPY