



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :21.08.2015

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD) .No.14599 of 2015

Subramanian

... Petitioner

Vs.

The Assistant Commissioner,
Hindu Religious & Charitable Endowment,
Aiyinthumunai Road,
Paramakudi,
Ramanathapuram District.

... Respondent

This Writ Petition has been filed under Article 226 of Constitution of India praying for a Writ of Mandamus directing the respondent to act on the petition given by the petitioner and others on 13.07.2015 to take action under Section 49(1) read with Section 47 of Tamilnadu Hindu Religious and Charitable Endowments Act, 1959 and appoint trustees and also fit person for the Administration and Management of Mariamman Temple situated in Athangudi Village, Neivayal Post, Thirvadanai Taluk, Ramanathapuram District.

For petitioner

: Mr.S.Natarajan

For Respondent

: Mr.R.Velmurugan
Government Advocate

ORDER

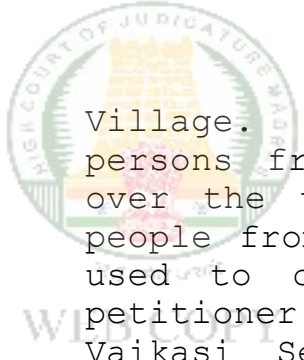
The Writ Petition has been filed praying for a Writ of Mandamus directing the respondent to act on the petition given by the petitioner and others on 13.07.2015 to take action under Section 49(1) read with Section 47 of Tamilnadu Hindu Religious and Charitable Endowments Act, 1959 and appoint trustees and also fit person for the Administration and Management of Mariamman Temple situated in Athangudi Village, Neivayal Post, Thirvadanai Taluk, Ramanathapuram District.

2. Mr.R.Velmurugan, learned Government Advocate takes notice for the respondent.

3. By consent, this Writ Petition itself is taken up final disposal.

<https://hcservices.ecourts.gov.in/hcservices/>

4. In the affidavit filed support of the Writ Petition, it has been averred that the petitioner is a resident of Athangudi



Village. In the said village, there is a mariamman temple. Few persons from the village formed one group and claiming control over the temple and its administration and prevented the other people from worshipping the deity. The people of the village used to celebrate Vaikasi Sevvai function every year. The petitioner and other villagers made arrangements to celebrate the Vaikasi Sevvai on 19.05.2015 and sought for protection from revenue and police department. But the said group of people, who are controlling the administration of the temple and preventing the other group of people, filed W.P.No.9109 of 2015 to prohibit the other village people from conducting the festival in the temple. After taking note of the dispute, this Court disposed of the Writ Petition with a direction to work out the remedy in accordance with law. While so, on 03.08.2015, when the petitioner along with his family members went to the temple for worshipping the deity, they were not permitted to enter into the temple. Therefore, the petitioner along with other people, submitted a petition before the respondent to appoint a fit person under Section 49(1) of Hindu Religious and Charitable Endowments Act. Since the same was not considered so far, the petitioner has come forward with this Writ Petition for the above stated relief.

5. Today when the matter is taken up for consideration, the learned counsel for the petitioner submitted that if a direction is given to the respondent to consider his petition, dated 13.07.2015 to take action under Section 49(1) of the 49(1) of Hindu Religious and Charitable Endowments Act, to appoint a fit person for the administration and management of the temple, that would suffice.

6. The learned Government Advocate would oppose to give a direction stating that the petitioner has not added the other group as a party to the Writ Petition.

7. But, the learned counsel for the petitioner submitted that in the petition filed before the respondent, he had added the other group, who are preventing the petitioner and the other village people from worshipping the deity. Thus, he sought for a direction from this Court.

8. In view of the nature of the order that is going to be passed, there is no need for the presence of the other group before this Court in this Writ Petition. Hence, considering the facts and circumstances of the case, without going into the merits of the case, this Court directs the respondent to consider and pass orders on the petition submitted by the petitioner, dated 13.07.2015, by affording an opportunity of hearing to all the necessary parties, within a period of four months from the date of ~~the order~~ of this order. It is made clear that this Court has not expressed any opinion with regard to the averments made in the Writ Petition.



With the above direction, the Writ Petition is disposed of.
No Costs.

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/TRUE COPY/

SD/-
ASSISTANT REGISTRAR (T&P)

SUB ASSISTANT REGISTRAR

pm
To

The Assistant Commissioner,
Hindu Religious & Charitable Endowment,
Aiyinthumunai Road,
Paramakudi,
Ramanathapuram District.

+1 CC TO MR.S.NATARAJAN, ADVOCATE, SR NO:48425

JAM/JGB-DP/SAR-AD/8.9.15/3P-3C

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