

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.10190 of 2016

K.P.Ilavarasu,
The Secretary,
Hindu Tirukoil Matrum Kuladeiva
Vazhipattu Urimai Meetou Kuzhu,
having office at
H 14, Heevanandam Salai,
K.K.Nagar, Chennai 600 078. Petitioner

Vs

1. The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Villupuram Division,
Office of the HR & CE Admin Department,
Villupuram District.
3. A/m.Subramaniaswamy Temple,
rep. By its Board of Trustees,
Vilvudiyanpattu,
Neyveli Township,
Neyveli Post,
Cuddalore District. Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to dispose the application of the petitioner dated 12.12.2015 in accordance with law, after conducting proper denova enquiry within the time frame fixed by this Court.

For Petitioner : Mr.E.Ganesh

For Respondents : Mr.Mr.K.V.Dhanapalan

Addl. Govt. Pleader.

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to dispose his application dated 12.12.2015 in accordance with law, after conducting proper de nova enquiry within the time frame fixed by this Court.

3. The case of the petitioner, in brief, is as follows:-

(a) Arulmighu Subramaniaswamy Temple is situated at Vilvudiyanpattu, Neyveli Township, Neyveli Post, Kurichipadi Taluk, Cuddalore District. The said temple is a part of group of five temples viz., Neyveli Thirukoilkal. The management of the said temple has been regularized by virtue of a scheme decree framed in terms of Section 64(1) of the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959. The said scheme has been framed by virtue of the order of the Deputy Commissioner, Chennai, dated 30.9.1966 made in O.A.No.90 of 1965.

(b) From the inception of the said temple, Panguni Uthira Brammorchava Festival is an annual event that occurs in the Tamil month of Panguni. The 11th day of Panguni Uthira Brammorchavan Festival has been conducted by a committee comprising of devotees headed by One Uthandi Padaiaichi. One Oomanglam Krishnasamy Reddiar was also a part of the said committee and instrumental in conducting the 11th day Uthava Festival in the said temple. During the festival, the committee members involved themselves in contributing the entire expenses of the said function and also contributing flowers, garlands, clothes, etc. In reciprocation, the temple offers honour to the committee members and the same will be shared by all the committee members headed by Uthandi Padaiaichi.

(c) The said Oomangalam Krishnasamy Reddiar died on 16.8.1986. Subsequently, his descendants viz., Murthy Reddiar, Ashok Kumar Reddiar, Sampath Kumar Reddiar and Sridhar Reddiar have stepped into his shoes and they are involved and

participated themselves in conducting the 11th day Urchava Festival. As a representative of the said Oomangalam Krishnawsamy Reddiar, his eldest son Murthy Reddiar's name has been reflected in the festival invitation. The said Murthy Reddiar died on 1.9.2014 and thereafter, his brothers Ashok Kumar, Sampath Kumar and Sridhar approached the authorities as well as the committee members to permit them to continue to participate in the festival and share the honour with themselves as the legal descendants of Oomangalam Krishnaswamy Reddiar.

(d) Since the authorities as well as the committee members did not pass any specific orders, one of the brothers of Murthy Reddiar viz., Ashok Kumar, one of the members of the petitioner organization, approached the petitioner organization to help him in this regard. On receiving the representation from the said Ashok Kumar, the petitioner gave an application dated 17.10.2015 to the respondents seeking permission to the brothers of Murthy Reddiar to participate and to share the honour during the 11th day Urchava Festival. On receipt of the said application, the first respondent, vide proceedings dated 27.10.2015, directed the second respondent to take action on the said representation, who in turn, vide proceedings dated 18.11.2015 directed the petitioner to approach the third respondent.

(e) Pursuant to the direction of the second respondent, the petitioner gave a representation dated 12.12.2015 to the third respondent. But, till date, the third respondent has not taken any action on the said representation. Hence, left with no other alternative, the petitioner has come up with the present writ petition seeking a direction to the respondents to dispose his application dated 12.12.2015 in accordance with law, after conducting proper denova enquiry within the time frame fixed by this Court.

4. Today, when the matter was taken up for hearing, learned Additional Government Pleader, who has taken notice on behalf of the respondents, has submitted that if a representation is given by the brothers of Murthy Reddiar directly to the second respondent, the same would be considered, at the earliest point of time.

5. In view of the said submission made by the learned Additional Government Pleader, I am of the opinion that there is no need for this Court to give any specific direction in this writ petition.

6. Hence, recording the said submission made by the learned Additional Government Pleader that if a representation is given by the brothers of Murthy Reddiar directly to the second respondent, the same would be considered, at the earliest point of time, the writ petition is closed. No costs.

Sd/-
Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Villupuram Division,
Office of the HR & CE Admin Department,
Villupuram District.

सत्यमेव जयते W.P.No.10190 of 2016

rsy(CO)
srg(06/04/2016)

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