

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.11285 of 2016

P.Jayaraman
Ex-Chairman, Trustee,
Board Member of Udaiyarkudi
Arulmighu Mariammal Koil ... Petitioner

vs.

1. The Commissioner,
Hindu, Religious and Charitable Endowment Board,
Nungambakkam High Road,
Chennai 600 034.
2. The Joint Commissioner,
Hindu, Religious and Charitable Endowment Board,
Villupuram.
3. The Executive Officer,
Arulmighu Mariamman Koil,
Udayarkudi Arulmighu Mariamman Koil,
Anjaneyar Koil, Manjakuppam,
Cuddalore New Town,
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 consider the representation given by the petitioner on 08.12.2015 for refund of Rs.6,50,000/- which was spent by the petitioner for the Thirupani work of Udayar Kudi Arulmighu Mariamman Koil-Kattumannar Koil, Cuddalore District.

For Petitioner : Mr.D.Rajagopal
For Respondents : Mr.K.V.Dhanapalan, AGP (HR&CE)

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondents to consider the representation given by him on 08.12.2015 for refund of Rs.6,50,000/- which was spent by him for the Thirupani work of

Udayarkudi Arulmighu Mariamman Koil - Kattumannar Koil, Cuddalore District.

2. It is the case of the petitioner that he was the Chairman and Trustee of Udayarkudi Arulmighu Mariamman Koil and was also appointed as Trustee Board Chairman by the Endowment Board. After assuming the office, he was discharging his duties in such capacity, without any adverse remarks. Since there was no renovation work conducted for the past 13 years and there was no Kumbabhishekam performed in the said temple, a meeting was conducted and in the said meeting, a resolution was passed in the presence of the Executive Officer and the members of Trust Board, to conduct Kumbabhishekam and to renovate the temple, for which, a committee consisting of 17 members was constituted and the same was approved by the Executive Officer, at whose instance, the petitioner and other members collected the contributions from the public and conducted the renovation work. Thereafter, one Venkatakrishnan assumed the charge as Executive Officer, who after inspecting the temple, assured that he would get aid from the Government.

3. It is the further case of the petitioner that on the basis of the assurance given by the new Executive Officer, the petitioner prepared an estimation through Engineer and started the Thirupani work. When the work was in progress, sufficient fund was not available to proceed further. At that time, the petitioner approached the Executive Engineer, who instructed the petitioner to get loan from the outsiders and who further assured that after sanctioning the tender amount, the loan amount will be repaid. Based on the said assurance, the petitioner and other members obtained the loan of Rs.6,50,000/- from outsiders and continued the temple Thirupani work. After completing the work, they approached one Sivachariyar called Chandrasekara Sivachariyar and fixed a date for Kumbabhishekam. However, on the said date, no Kumbabhishekam was performed. Even the second attempt of the petitioner to conduct Kumbabhishekam ended in failure. Apart from that, the Executive Officer has not taken any steps to refund the amount of Rs.6,50,000/-, which was spent by the petitioner for the Thirupani work of the temple in question. In this regard, the petitioner made a representation dated 05.05.2012 to all the respondents. Following the same, he also issued a legal notice on 28.05.2012. Thereafter, he made another representation dated 08.12.2015. However, no order has been passed by the respondents. Therefore, the petitioner has filed the present petition for the above stated relief.

4. Learned counsel for the petitioner submitted that on the basis of the assurance given by the Executive Officer, the petitioner borrowed loan to the tune of Rs.6,50,000/- from the outsiders for Thirupani work of the temple in question. However, the respondents have not refunded any amount to the petitioner.

5. Opposing the submission so made on the side of the petitioner, learned Additional Government Pleader appearing for the respondents submitted that no such assurance was given by the Executive Officer. In fact, Kumbabhishekam of the temple was conducted on 03.06.2013 by forming a new committee. However, the petitioner has filed this writ petition by raising bald and vexatious allegations against the Executive Officer.

6. Irrespective of the contentions raised on either side, considering the limited nature of the relief sought for herein, this Court directs the respondents to consider the representation of the petitioner dated 08.12.2015, by affording an opportunity of personal hearing to the petitioner as well as to all the necessary parties, if any and pass appropriate orders. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the respondents to pass appropriate orders purely on merits and in accordance with law. The entire exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

7. The writ petition is disposed of accordingly. No costs.
rk

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The Commissioner,
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Nungambakkam High Road, Chennai 600 034.
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Anjaneyar Koil, Manjakuppam,
Cuddalore New Town, Cuddalore District.

+ 1 cc to M/s.D.Rajagopal, Advocate, SR 19637

+ 1 cc to Govt.Pleader, High Court, Madras SR 20354

mp(co)
prk1/4

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