

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2016

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.11888 of 2016

B.Vedachalam

... Petitioner

Vs.

The Joint Commissioner
Hindu Religious and Charitable Endowment Department
Nungambakkam,
Chennai-34.

... Respondent

Writ petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the second respondent to pass orders on the representation made by the petitioner dated 09.04.2014 under Section 54(1) of the Hindu Religious and Charitable Endowment Act, 1959 and reminder letter dated 30.12.2014 to appoint the petitioner as hereditary trustee on the death of his father Mr.Babu Mudaliar trustee of the Arulmigu Arkeeswarar Thirukovil, Pammal, Chennai-75.

For Petitioner : Mr.V.Chandrakanthan
For respondent : Mr.K.V.Dhanapalan, AGP (HR&CE)

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2.The petitioner has come forward with the present Writ Petition seeking for issuance of Mandamus to direct the second respondent to pass orders on the representation made by the petitioner dated 09.04.2014 under Section 54(1) of the Hindu Religious and Charitable Endowment Act, 1959 and reminder letter dated 30.12.2014 to appoint the petitioner as hereditary trustee on the death of his father Mr.Babu Mudaliar trustee of the Arulmigu Arkeeswarar Thirukovil, Pammal, Chennai-75.

3.Though, very many contention have been raised in this writ petition, at the time of argument, the learned counsel for the petitioner submitted that it would be suffice if a direction is given to the respondent to consider the representation of the petitioner dated 30.12.2014 and reminder dated 29.01.2015 filed under Section 54(1) of the Hindu Religious and Charitable

Endowments Act, 1959 to appoint the petitioner as hereditary trustee in the place of his father late Mr.Babu Mudaliar, trustee of the Arulmighu Arkeeswarar Thirukovil, Pammal, Chennai - 75.

4.The learned Additional Government Pleader (HR & CE) submitted that they have already fixed the date of hearing on 20.04.2016 and the appeal will be disposed of within a short span of time as fixed by this Court.

5.In view of the submissions made by the learned Additional Government Pleader, this Court without going into the merits of the case, directs the respondent to consider the representation of the petitioner's dated 30.12.2014 and reminder dated 29.01.2015 and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after affording opportunity of personal hearing to the petitioner as well as to the necessary parties, if any. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim of the petitioner and it is for the respondent to decide the claim of the petitioner purely on merits.

6.The writ petition is disposed of accordingly. No costs.
tsh

s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

The Joint Commissioner
Hindu Religious and Charitable Endowment Department
Nungambakkam, Chennai-34.

+ 1 cc to Mr.V.Chandrakanthan, Advocate, SR 22199

+ 1 cc to Govt.Pleader, High Court, Madras SR 22118

pvs (co)
prk25/4

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