

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.12923 of 2016

Mariappan

.. Petitioner

Vs.

1. The Secretary to Government,
Hindu Religious and Charitable Endowments,
Chennai-9.
 2. The Commissioner,
Hindu Religious and Charitable Endowments Board,
Chennai-34.
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents to consider the representation given by the petitioner, dated 11.02.2016 and pass orders in accordance with law.

For Petitioner : Mr.V.K.Vijayaragavan

For Respondents : Mrs.Rita Chandrasekaran,
Spl.Govt.Pleader

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents to consider the representation given by the petitioner, dated 11.02.2016 and pass orders in accordance with law.

2. In the affidavit filed in support of the Writ Petition, it is averred by the petitioner that Arulmighu Vedaranyeswarar Temple is situated in Vedaranyam Town in Nagapattinam District; the Temple owns extensive properties; the Temple is a religious institution as per the definition of the Tamil Nadu Hindu Religious and Charitable Endowments Act and the Temple has been administered as per the Scheme framed for the Temple. The Tamil Nadu Hindu Religious and Charitable Endowments Department is

appointing Executive Officer for managing the affairs of the Temple.

3. It is further stated that the petitioner resides near the Temple and has been regularly worshipping the deity in the Temple; participates in the Temple festivals; contributes amount (s) for maintenance and upkeep of the Temple and has been interested in proper administration of the Temple. It is his further case that in Survey No.175, the Temple is owning 192 acres in Vedaranyapattinam. The Assistant Settlement Officer conducted statutory enquiry and issued patta recognising the ownership of the valuable land(s) of the Temple. After settlement enquiry is over, the settlement records were sent to the Tahsildar of Vedaranyam and as per "A" Register relating to survey of the year 1925, the extent available in the survey number is 190.30 acres. It is the grievance of the petitioner that the land(s) belonging to the Temple are being illegally encumbered and alienated by some persons and several sale deeds confirm the same. The lands of the Temple worth several Crores of Rupees. Since the respondents did not take any action on those illegal encumbrance/alienations of the Temple lands, the petitioner has given a representation, dated 11.02.2016 to the respondents. As the said representation is not yet disposed of, the petitioner has filed this Writ Petition for the above relief.

4. Heard both sides.

5. Taking into consideration the factual aspects of the matter, this Court, without going into the merits of the case, directs the respondents to consider the said representation of the petitioner, dated 11.02.2016, conduct enquiry, pass appropriate orders and dispose of the said representation, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner and it is for the respondents to decide the same. The petitioner is at liberty to put forth his case and produce necessary documents before the respondents to stake his claim.

6. With the above observations and directions, the Writ Petition is disposed of. No costs.

cs

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

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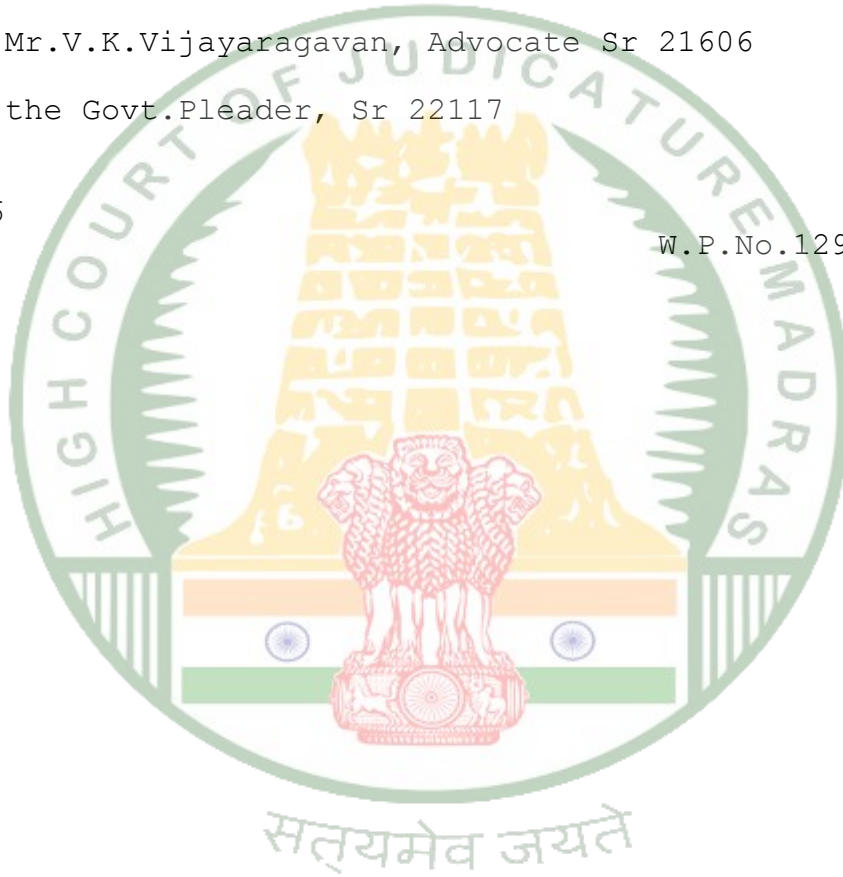
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+ 1 cc to Mr.V.K.Vijayaragavan, Advocate Sr 21606

+ 1 cc to the Govt.Pleader, Sr 22117

KR/22/4/16

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