

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.13922 of 2016

V.Senthil Kumar

... Petitioner

vs.

The Joint Commissioner,
Hindu Religious & Charitable
Endowment (Admin),
Coimbatore District,
Coimbatore.

... Respondent

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to pass orders in M.P.No.25/2008 on the file of the respondent within a stipulated time frame as fixed by this Court.

For Petitioner : Mr.R.Prabakar
For Respondent : Mrs.Rita Chandrasekar,
Spl. Govt. Pleader (HR&CE)

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 respondent to pass orders in M.P.No.25/2008 pending on his file, within a stipulated time frame as fixed by this Court.

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

(a) Sri Kariya Kaliyamman Temple is situated at Kinathukadavu in Kinathukadavu Taluk, Coimbatore District. The said temple was founded by the petitioner's ancestor viz., one Kuppandi, who died in the year 1870. The said Kuppandi

functioned as trustee cum pujari and had been dispensing with all the duties for the benefit of the temple and it is a hereditary right that devolves upon all the legal heirs of his ancestors as per customary practices and usage followed therein. Hence, their entire lineage is recognized as Hereditary Trustees of the said temple.

(b) Subsequent to the death of the said Kuppandi, one Kailasa Pandaram, the lineal descendant of the said Kuppandi acquired the said right. After the death of Kailasa Pandaram, one Kolanda Pandaram succeeded his rights and after the death of Kolanda Pandaram, his lineal descendants Kali Pandaram, Ponna Pandaram, Ramasamy Pandaram and Lakshmana Pandaram inherited the said right. After the death of the said persons, the petitioner's father Vellingiri and his uncles Gnanapathy, Ramasamy and Paramasivam inherited the said rights.

(c) As a person who traces lineage from his ancestors, the petitioner is very well entitled to the hereditary right as a trustee cum pujari of the said temple as per customary practice and usage. Hence, he filed a petition under Section 54(1) of the H.R. & C.E. Act in M.P.No.1 of 25 of 2008 on the file of Joint Commissioner for H.R. & C.E. Department, Coimbatore, to declare him as hereditary trustee of the said temple. Though the said petition was filed as early as in the year 2008, till date, there is no progress in the said petition and the same is pending for several years without passing any orders despite his repeated request. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who has taken notice on behalf of the respondent.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim made by the petitioner, this Court directs the respondent to consider the petition filed by the petitioner under Section 54(1) of the H.R. & C.E. Act in M.P.No.1 of 25 of 2008, and dispose of the same, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

To

The Joint Commissioner,
Hindu Religious & Charitable
Endowment (Admin),
Coimbatore District, Coimbatore.

+1 cc to Government pleader sr.24437
+1 cc to Mr.R.Prabakar Advocate sr.23797

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