

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2016

CORAM:

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.No.5562 of 2013

Mr.Marudavanan

... Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Nungambakkam High Road,
Chennai.

2. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Mayiladuthurai.

3. The Executive Officer,
Naganathaswamy Thirukoil,
Thirukalacherry,
Tharangambadi Taluk,
Nagapattinam District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the first respondent to consider the representation of the petitioner dated 30.07.2012 and take appropriate action on the representation within a stipulated time.

For petitioner : Mr.S.Sounthar

For Respondents : Mr.R.P.Prathap Singh,
Government Advocate (HR & CE)

O R D E R

The petitioner sought for a direction to the first respondent to consider his representation dated 30.07.2012 and take appropriate action on the same.

2. Heard Mr.S.Sounthar, learned counsel for the petitioner and Mr.R.P.Prathap Singh, learned Government Advocate (HR & CE).

3. The learned counsel for the petitioner would submit that the land comprised in Survey No.125 in Boothanoor Village, Tharangambadi Taluk which belongs to the third respondent temple was leased out to one Ramasamy as per temple records. At present, Pandurangan, S/o. Ramasamy has claimed right over the leased property under his father, who is in occupation and enjoyment of the property without any rights.

4. According to the petitioner, the said Ramasamy, is the original lessee and his son, who have no rights in the property are now in possession and enjoyment of the same. In such circumstances, the petitioner had given representations to the first respondent on 12.04.2012 and 30.07.2012 to take action against said Pandurangan, S/o Ramasamy. Since, the first respondent has not taken any action on the said representation, the petitioner has come up with the present writ petition.

5. Mr.R.P.Prathapsingh, learned Government Advocate for respondents vehemently argued that there is no inaction on the part of the respondents. However, the learned counsel would submit that if a specific direction is given to consider the representation, the respondents would comply with the same.

6. In such circumstances, there shall be a direction to the first respondent to consider the petitioner's representation dated 30.07.2012 and pass 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.

7. With the above observation, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

cla

To

1. The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Nungambakkam High Road,
Chennai.
2. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Mayiladuthurai.
3. The Executive Officer,
Naganathaswamy Thirukoil,
Thirukalacherry,
Tharangambadi Taluk,
Nagapattinam District.

+1cc to Mr.S.Sounthar, Advocate, S.R.No.60860

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RJ(CO)
CA(28/11/2016)



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