

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.20926 of 2016

WMP.No.17927 of 2016

C.Udayakumar ... Petitioner

Vs.

1.The Commissioner,
H.R. & C.E. Department,
No.25, First Floor,
Lourisphone Street,
Pondicherry.

2.The Executive Officer,
Sripathirakaliamman Devasthanam,
Ambakarathur,
Thirunallar,
Karaikkal District,
Puducherry.

3.K.Guna ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the second respondent in Proceedings No.A(F)APD/F.1/2009-2010 dated 21.06.2010 and quash the same and consequently direct the respondents to permit the petitioner and his family to perform the Pooja for A/M.Petharanan Temple in Ambakarathur in A/M. Pathirakaliammankoil, Karaikkal, Pondicherry.

For Petitioner : Mr.G.H.Harihara Arun Somasankar

For Respondents : Mr.M.Govindaraj,
Government Pleader (Pondicherry)

O R D E R

By consent, this writ petition is taken up for final disposal.

2. The petitioner, in the affidavit filed in support of this writ petition, would aver among other things that as per line of succession, he is the hereditary poojari and has derived such a right from his grandfather and therefore, the respondents are bound to grant permission to the petitioner to perform pooja and in this regard, he has repeatedly approached the second respondent. The petitioner would further state that the second respondent has issued proceedings dated 21.06.2010 regularizing the poojas by issuing guidelines and while issuing guidelines, the claim of the petitioner has not been taken into consideration and therefore, came forward to file this writ petition challenging the legality of the said proceedings.

3. Heard the submissions of the learned counsel appearing for the petitioner and MrM.Govindaraj, learned Government Pleader (Pondicherry), who accepts notice on behalf of the respondents 1 and 2 and would submit that since the adjudication involves disputed question of fact, the remedy open to the petitioner is to approach the competent civil forum.

4. A perusal of the materials placed before it would disclose that the matter in issue involves factual adjudication. Be that as it may, the petitioner has submitted a representation to the first respondent, aggrieved by the order of the second respondent. Though the petitioner has prayed for larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the first respondent to consider and dispose of the petitioner's representation dated 21.07.2014 in accordance with law, after putting on notice the third respondent and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as the third respondent.

5. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

jvm

To

1.The Commissioner,
H.R. & C.E. Department,
No.25, First Floor,
Lourisphone Street,
Pondicherry.

2.The Executive Officer,
Sripathirakaliamman Devasthanam,
Ambakarathur,
Thirunallar, Karaikkal District,
Puducherry.

+1 cc to Mr.G.Harihara Arun Somasankar Advocate sr34526/16

+1 c to Government Pleader for puducherry sr.34416/16

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