

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.21688/2016

Rasipuram Kannada Saineergar
Samuga Pradhama sangam
rep.by its Secretary Mr.M.Karunanidhi
No.4/41, Dasa Street, Rasipuram
Namakkal District 637 408. ... Petitioner

Versus

- 1.The Joint Commissioner
Hindu Religious & Charitable
Endowment Department
Namakkal.
- 2.The Assistant Commissioner
Hindu Religious & Charitable
Endowment Department
Namakkal. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents to consider and pass suitable orders on the representation of the petitioner dated 29.03.2016 seeking permission for renovation and consecration [Kumbabishegam] of Arulmigu Vinayakar Thirukovil situated at Arulmigu Velayudhasamy Kovil Street, Rasipuram Town.

For Petitioner : Mr.M.Sivavarthan

For Respondents : Mr.Rita Chandrasekar, Spl.GP [HR&CE]

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ORDER

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

2 The petitioner would state that he is the President of Rasipuram Kannada Saineergar Samuga Pradhama Sangam and

according to him, his community people has constructed Arulmigu Vinayagar temple at Rasipuram Town about 100 years back and even prior to that, the presiding Deity was installed about 200 years back. In the year 1987, an application was filed for framing a scheme and the 1st respondent has also approved the scheme vide proceedings dated 10.10.1988 and as per the said scheme, the persons elected by the petitioner Sangam would act as the Hereditary Trustees and the control and Management of the temple is managed as per the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959. The grievance expressed by the petitioner is that the consecration [Kumbabishekam] ceremony was performed in the year 1982 and thereafter, no attempt has been made to conduct the consecration once again and the petitioner has repeatedly approaching the respondents to do so and it was also followed by a written representation dated 29.03.2016 and it was also acknowledged on 31.03.2016 and despite that, no action, whatsoever, has been taken by the respondents to conduct the said festival and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.

3 The learned counsel for the petitioner would submit that since the Hereditary Trustees of the temple are linguistic minority people, settled at Rasipuram and that non-performance of consecration ceremony for nearly 34 years, is affecting their sentiments and prays for appropriate orders.

4 Per contra, Mrs.Rita Chandrasekar, learned Special Government Pleader [HR&CE] who accepts notice on behalf of the respondents would contend that with regard to the consecration of the century old temples, a Public Interest Litigation has been filed in WP.No.574/2015 before the Hon'ble First Bench and steps are being taken to frame appropriate guidelines as to the manner in which the consecration/Kumbabhishekam is to be done.

5 This Court considered the rival submissions and also perused the materials placed before it.

6 Though the petitioner has prayed for a larger relief, this Court in the light of the facts and circumstances and without going into the merits of the claims projected by the petitioner, directs the respondents to consider and dispose of the petitioner's representation dated 29.03.2016 on merits and in accordance with law and pass orders within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

7 The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS VI)

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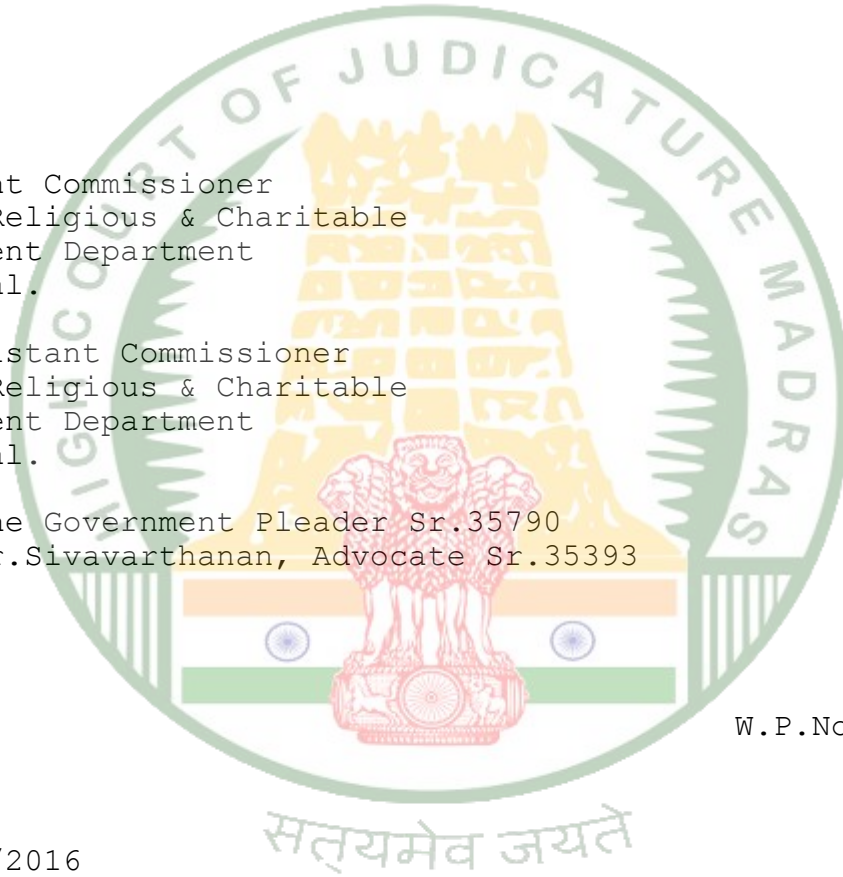
Sub Assistant Registrar

To

1.The Joint Commissioner
Hindu Religious & Charitable
Endowment Department
Namakkal.

2.The Assistant Commissioner
Hindu Religious & Charitable
Endowment Department
Namakkal.

+1cc to the Government Pleader Sr.35790
+1cc to Mr.Sivavarthan, Advocate Sr.35393



W.P.No.21688/2016

msm[co]
srg 12/07/2016

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