

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.23378 of 2016

S.Madhavan

... Petitioner

vs.

1.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Chennai-34.

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

3.The Assistant Commissioner - cum -
Executive Officer,
Arulmigu Masaniamman Tirukovil,
Anaimalai, Coimbatore. Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the second respondent to pass appropriate orders on the representation given by the petitioner dated 19.5.2014 pending in file No.21125/2014/H2 of the second respondent within a reasonable time as may be fixed by this Court.

For Petitioner : Mr.N.Anand Venkatesh

For Respondents : Mrs.Rita Chandrasekar,
Spl.Govt.Pleader (H.R. & C.E.)

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 second respondent to pass appropriate orders on his representation dated 19.5.2014 pending in file No.21125/2014/H2 of the second respondent within a reasonable time as may be fixed by this Court.

3. It is the case of the petitioner that Arulmigu Lakshminarasimhaswami Temple situated at Anaimalai, Coimbatore, is a private temple belonging to the petitioner's ancestors and the petitioner's ancestors were managing the said temple as hereditary trustees as well as hereditary poojaris for more than 150 years. The petitioner's grandfather Seshayyar was managing the temple as hereditary trustee and hereditary poojari and after his life time, his grandsons viz., A.V.Narasimhan, A.N.Raghavan, A.V.Soundarrajan, S.Vijayakumar and the petitioner herein were managing the said temple as hereditary trustees and hereditary poojaris by performing poojas and other functions. While so, in the year 2005, H.R. & C.E. Department, has taken over the temple and appointed a fit person for the temple without giving any prior notice or without giving any opportunity to them. The fit person so appointed has become very old and he could not manage the temple and presently, some other person, who has nothing to do with the temple, is managing the affairs of the temple. Hence, the petitioner made a representation dated 19.5.2014 before the respondents 1 and 3 requesting them to restore their right as hereditary trustees and to permit them to manage and perform poojas in the said temple. The said representation was duly considered by the first respondent and he forwarded the same to the second respondent, who in turn, directed the third respondent to conduct an enquiry. Accordingly, the third respondent conducted an enquiry on 8.9.2015 and after enquiry, the petitioner was informed by the third respondent that he submitted the report to the second respondent and necessary orders have to be passed only by the second respondent. However, till date, no order has been passed by the second respondent. 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 Special Government Pleader for H.R. & C.E. Department, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the second respondent to consider the petitioner's representation dated 19.5.2014 in file

No.21125/2014/H2 and pass appropriate orders, on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioner as well as to the necessary parties, if any, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim projected by the petitioner and it is for the second respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

sbi

Sd/-

Assistant Registrar (CS-II)

/TRUE COPY/

Sub-Assistant Registrar

To

- 1.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Chennai-34.
- 2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Coimbatore.
- 3.The Assistant Commissioner - cum -
Executive Officer,
Arulmigu Masaniamman Tirukovil,

+1CC to Govt Pleader SR.NO.38173

+1CC to MR.N.ANAND VENKATESH Advocate SR.NO.38127

WEB COPY

W.P.No. 23378 of 2016

PA [CO]

MK:02/08/2016