

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:19.07.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.24994/2016

&

WMP.No.21352/2016

K.Maheswari

..Petitioner

-Versus-

- 1.The Commissioner,
Hindu Religious & Charitable Endowment
Nungambakkam High Road,
Nungambakkam, Chennai-34.
- 2.The Assistant Commissioner
Hindu Religious & Charitable Endowment
Nungambakkam High Road,
Nungambakkam, Chennai-34.
- 3.The Thakkar Cum Special Officer
Sri Kadambadi Amman Temple and
Special Officer, A/M Kurungaleswarar
and Vaigundavasa Perumal Kovil
Koyambedu, Chennai.
- 4.The Inspector of Police
K10 Koyambedu Police Station
Chennai.

5.M.K.Kamalakkan

6.M.K.Thanigachalam

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the 3rd respondent to give effect to the order of the 2nd respondent dated 09.02.2016 in the light of the order of the 1st respondent dated 20.01.2016.

For Petitioner : Mr.C.T.Murugappan, for

Mr.K.Sasindran

For RR 1 to 3 : Mr.K.V.Dhanapalan, AGP [HR&CE]

For R4 : Mr.P.Sanjay Gandhi, AGP

For R5&R6 : Mr.M.R.Jothimanian

ORDER

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

2 The grievance expressed by the petitioner appears to be though the 2nd respondent in compliance of the order dated 01.09.2015 made in WP.No.27390/2015 filed by the petitioner herein, has appointed a Fit Person vide proceedings dated 20.01.2016 with a further direction, directing the said Fit Person to submit a report, vide proceedings dated 09.02.2016, no further progress is taking place and taking advantage of the lapse on the part of the official respondents, the respondents 5 and 6, who are none else than the brothers of the petitioner herein, have also erected a digital banner claiming that they are the hereditary trustees of the property and seeking to conduct Aadi Festival commencing from 20.07.2016 [tomorrow] and therefore, the petitioner came forward to file the present writ petition.

3 The learned counsel appearing for the petitioner would submit that in the light of the above cited proceedings of the 2nd respondent, the Fit Person, has to act accordingly and since it is not being done, the respondents 5 and 6 are taking advantage of the same and doing unlawful things by claiming that they are the hereditary trustees and hence, prays for appropriate orders.

4 Mr.K.V.Dhanapalan, learned Additional Government Pleader [HR&CE] who accepts notice on behalf of the respondents 1 to 3 would submit that since the respondents 5 and 6 are not handing over the charge despite the order passed by the 2nd respondent, further proceedings are being taken in accordance with law.

5 This Court heard the submissions of Mr.M.R.Jothimanian, learned counsel who accepts notice on behalf of the respondents 5 and 6 and who would submit that challenging the order of the Fit Person, a revision has also been filed before the 1st respondent along with an application for stay and it is yet to be taken up for hearing and since the celebration of Aadi festival is one of the important functions and the petitioner is grossing personal enmity to prevent the temple from holding such an important festival and prays for dismissal of the writ petition.

6 Heard the submissions of Mr.P.Sanjay Gandhi, learned Additional Government Pleader, who accepts notice on behalf of the 4th respondent, who would submit that in the event of any law and order problem, the 4th respondent will take care of the same.

7 This Court has carefully considered the rival submissions and also perused the materials placed before it.

8 The 5th respondent has made a challenge to the order passed by the 2nd respondent in respect of the appointment of the Fit Person by filing a revision before the 1st respondent along with an application for stay and it is yet to be taken up for hearing. In the light of the urgency expressed by the respondents 5 and 6, the 1st respondent shall take up the applications for stay initially, if the papers are otherwise in order and pass appropriate orders, after putting on notice, the person/s concerned. In the light of the stand taken by the respondents 1 to 3 as to the compliance of the orders passed by the 2nd respondent, this Court is of the view that further action has to be taken in accordance with law to implement the orders of the 2nd respondent as expeditiously as possible.

9 The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

AP

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1.The Commissioner,
Hindu Religious & Charitable Endowment
Nungambakkam High Road, Nungambakkam, Chennai-34.
- 2.The Assistant Commissioner
Hindu Religious & Charitable Endowment
Nungambakkam High Road,
Nungambakkam, Chennai-34.
- 3.The Thakkar Cum Special Officer
Sri Kadambadi Amman Temple and
Special Officer, A/M Kurungaleswarar
and Vaigundavasa Perumal Kovil
Koyambedu, Chennai.
- 4.The Inspector of Police
K10 Koyambedu Police Station, Chennai.

+ 1 cc to Mr.M.R.Jothimanian, Advocate Sr 40446
+ 1 cc to Mr.A.Gokulaskrishnan, Advocate Sr 40512
+ 2 ccs to The Govt.Pleader, Sr 41124 & 40850

KR/29/7/16