

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SURESH KUMAR

W.P.No.18093 of 2010

Sengunthasabai of Arulthiru
Sivasubramaniaswami Thirukoil,
Sengunthakottam, Saidapet,
Chennai-15, Represented by its
Secretary.

...Petitioner

-Vs-

The Commissioner,
Hindu Religious & Charitable Endowment,
Chennai-34.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to take steps immediately for appointing the Regular Trustees to Arulthiru Sivasubramaniaswami Thirukoil, Sengunthakottam, Saidapet, Chennai-15 in accordance with law and in accordance with the Scheme dt. 16.09.1968 settled under Section 64 (1) of H.R. & C.E. Act by the Deputy Commissioner H.R. & C.E. (Admn.) Department, Chennai.

For Petitioner	: Mr.S.Natana Rajan
For Respondent	: Mr.R.PrathapSingh, Govt. Advocate

ORDER

The prayer in the writ petition is for a mandamus directing the respondent to take steps immediately for appointing the Regular Trustees to Arulthiru Sivasubramaniaswami Thirukoil, Sengunthakottam, Saidapet, Chennai-15 in accordance with law and in accordance with the Scheme dated 16.09.1968 settled under Section 64 (1) of H.R. & C.E. Act by the Deputy Commissioner H.R. & C.E. (Admn.) Department, Chennai.

2. For appointment of trustees to the said temple, the petitioner association has been requesting to the respondent department for a quite long time and ultimately, the petitioner had sent a detailed request through their lawyer on 17.6.2010 regarding

appointment of Board of Trustees in accordance with the scheme dated 16.9.1968.

3. Heard both sides.

4. The learned counsel appearing for the petitioner submits that inspite of the scheme as well as subsequent request having been made for several times, the respondent has not come forward to appoint trustees to the said temple. Therefore, finally on their behalf, a legal notice was given on 17.6.2010 and even that also was not considered. Therefore, he has come out with the present writ petition with the aforesaid prayer.

5. The learned Government Pleader appearing for the respondent would contend that in view of the litigation which are pending before this Court, no trustees for the board are appointed in any of the HR & CE temples since 2011. One way or other, if the legal issues are settled, then the department will explore the possibility of making good for the administration of the temples through the trust board or otherwise.

6. Since the requests have been made several times by the petitioner, whatever difficulty, the department is facing, can be expressed and the request of the petitioner could have been disposed of, on merits which the respondent has not done so, therefore, the litigation of the present nature has come up.

7. Hence, this Court is of the considered view that the request of the petitioner dated 17.6.2010 issued through their counsel can be treated as a representation of the petitioner and the same can be considered and a reasoned order can be passed on merits and in accordance with law.

8. Accordingly, writ petition is disposed of with a direction to the petitioner to send a fresh representation having the same contents of their legal notice dated 17.6.2010 to the respondent for their consideration within a period of two weeks from today and thereafter, the needful shall be done by the respondent by deciding and disposing the representation of the petitioner dated 17.6.2010 as expeditiously as possible at any rate within a period of three months from the date of receipt of a copy of this order.

9. It is made clear that this direction issued by this Court should not be construed that the relative merit of the claim of the

petitioner have been accepted by this Court. There is no order as to costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

kua

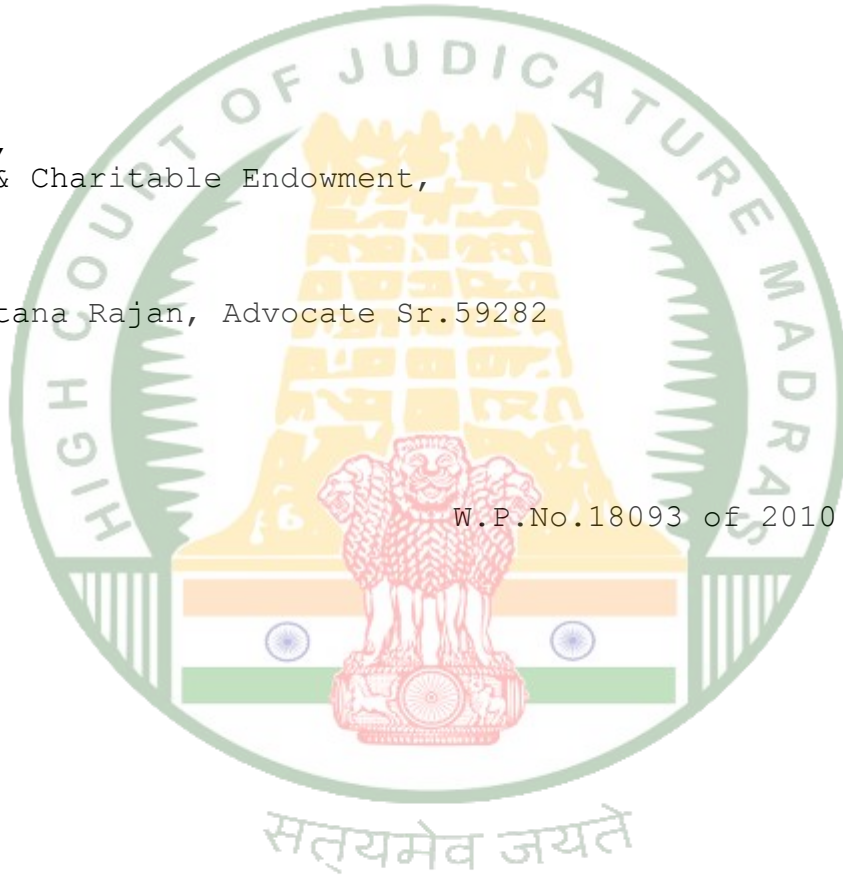
To

The Commissioner,
Hindu Religious & Charitable Endowment,
Chennai-34.

+1 CC to Mr.S.Natana Rajan, Advocate Sr.59282

CO-PVS

ths : 04.11.2016



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