

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2016

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.29877 of 2016

M.Kalyanasundaram

...Petitioner

-Vs-

1.The Commissioner,
Tamil Nadu Hindu Religious &
Charitable Endowments,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai - 34.

2.The Deputy Commissioner,
Tamil Nadu Hindu Religious &
Charitable Endowments,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai - 34.

3.The Assistant Commissioner,
Tamil Nadu Hindu Religious &
Charitable Endowments,
Salem -01.

....Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing 3rd respondent herein to consider the petitioner's representation dated 06.06.2016 and reminder representation dated 24.07.2016 to appoint the petitioner as Hereditary Dharmakartha of Arulmigu Selva Vinayagar Temple, Vedhanarayana Perumal Temple, Kailasanathar Temple, Iyyanar Temple, Pidari Bhuvaneshwari Temple and Mariamman Temples were situated in Vellayur Village, Gangavalli Taluk, Salem District.

For Petitioner : Mr.A.Rajakumar

For Respondents: Mr.M.Maharaja,

Special Govt. Pleader [HR & CE]

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner would state that his father viz., Marudhamuthu was looking after the administration of Arulmigu Selva Vinayagar Temple, Vedhanarayana Perumal Temple, Kailasanathar Temple, Iyyanar Temple, Pidari Bhuvaneshwari Temple and Mariamman Temple situate at Vellayur Village, Gangavalli Taluk, Salem District in his position as the Hereditary Dharmakartha/Trustee and since there was a rival claim, he filed a suit in O.S.No.789 of 1984 on the file of the Court of Sub Court, Salem and it was decreed in his favour on 30.09.1985. It is further stated by the petitioner that the people belong to Agamudiyar Community had also made a very same claim in O.S.No.16 of 2008 on the file of the Court of Sub Court, Attur and the said suit was also dismissed on 16.12.2009 and in the interregnum he died. It is further stated by the petitioner that challenging the order of dismissal dated 16.12.2009 made in O.S.No.16 of 2008, A.S.No.14 of 2010 was filed on the file of the Court of District Court, Salem and it was also dismissed on 10.10.2016. The petitioner submit his application/representation dated 06.06.2016 followed by a reminder dated 24.07.2016 requesting the third respondent to recognize him as the Hereditary Trustee and since no orders have been passed, came forward to file this Writ Petition.

3. Heard the submissions of Mr.A.Rajakumar, learned counsel appearing for the petitioner and Mr.M.Maharaja, learned Special Government Pleader, who accepts notice on behalf of the respondents.

4. Though the petitioner prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the same, directs the third respondent to consider and dispose of the petitioner's representation/application dated 06.06.2016 and the reminder representation dated 24.07.2016 in accordance with law 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.

5.This Writ Petition is disposed of accordingly. No costs.

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-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vsm

To

1.The Commissioner,
Tamil Nadu Hindu Religious &
Charitable Endowments,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai - 34.

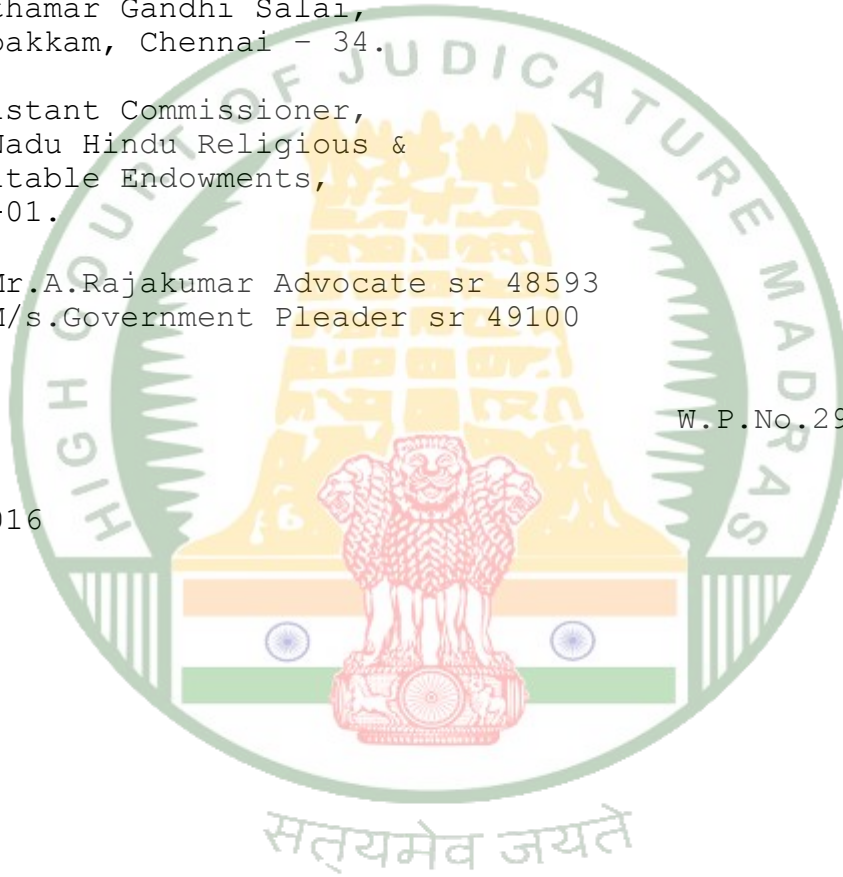
2.The Deputy Commissioner,
Tamil Nadu Hindu Religious &
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119, Uthamar Gandhi Salai,
Nungambakkam, Chennai - 34.

3.The Assistant Commissioner,
Tamil Nadu Hindu Religious &
Charitable Endowments,
Salem -01.

+1 cc to Mr.A.Rajakumar Advocate sr 48593
+1 cc to M/s.Government Pleader sr 49100

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aa19/09/2016



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