

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.29949 of 2016

and

W.M.P.Nos.25904 and 25905 of 2016

Sri Sundara Vinayagar

Sri Selva Vinayagar & Sri Anjaneyaswami

Devasthanams, Rep., by its Chairman

Board of Trustees, S.Jeyakumar

... Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowments,
Administration Department,
Uttamar Gandhi Salai, Chennai - 600 034.

2. The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Administration Department,
Uttamar Gandhi Salai, Chennai - 600 034.

3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Uttamar Gandhi Salai,
Chennai - 600 034.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents their men, servants, agents or anybody claiming through them or under them from in any manner interfering with the rights of the Kuyavar Community to administer and manage the affairs of the Sri Sundara Vinayagar, Sri Selva Vinayagar and Sri Anjaneyaswami Devasthanams, Royapettah High Road, Kosapet, Mylapore, Chennai - 600 004 in accordance with the scheme settled by this Hon'ble Court in O.S.A.No.193 and 194/1995 and C.S.68/95.

For Petitioner : Mr.T.L.Rammohan
Senior Counsel
Assisted by Ms.G.Sumitra

For Respondents : Mr.M.Maharaja
Special Government Pleader (HR & CE)

O R D E R

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

2.Mr.T.L.Rammohan, learned Senior Counsel assisted by Ms.G.Sumitra, learned counsel appearing for the petitioner would submit that as per the Scheme Decree, dated 03.11.1995 in C.S.No.68 of 1995 and O.S.A.Nos.193 of 1995 and 194 of 1995, the administrative affairs of the Temple vest with the Trustees of the Salivagana community, in accordance with the provision contained in the Scheme and though the Hundials located in the Temples are overflowing and despite, very many representations made to open the same and count the offers, nothing has been done by the respondents and therefore, the petitioner is constrained to approach this Court by way of filing this writ petition.

3.Per contra, Mr.M.Maharaja, learned Special Government Pleader (HR & CE) who accepts notice on behalf of the respondents would submit that the representation submitted by the petitioner was received on 04.08.2016 and returned on 16.08.2016, on the ground that the petitioner has to submit an application for the purpose of opening the Hundial along with a resolution passed by the Board of Trustees and in consultation with the jurisdictional Assistant and Deputy Commissioner, they can do so.

4.In the considered opinion of this Court, the reason assigned for returning the application, directing the petitioner to approach the jurisdictional Assistant and Deputy Commissioner, prima facie appears to be un-sustainable for the reason, as and when the petitioner submits an application along with resolution of the Board of Trustees, it is for the concerned Official to look into the same and pass appropriate orders, within a time bound manner.

5.In the result, the writ petition is disposed of and the petitioner is at liberty to re-submit the application returned by the second respondent along with a copy of the resolution of the Board of Trustees and the second respondent on receipt of the same, is directed to have consultation with the jurisdictional Assistant Commissioner and Deputy Commissioner as regards, opening of the Hundial and pass orders, in accordance with law, as expeditiously as possible, within a period of two weeks from the date of receipt of the said application.

6.The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

pri

To

1. The Commissioner,
Hindu Religious and Charitable Endowments,
Administration Department,
Uttamar Gandhi Salai,
Chennai - 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Administration Department,
Uttamar Gandhi Salai,
Chennai - 600 034.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Uttamar Gandhi Salai,
Chennai - 600 034.
4. The Deputy Commissioner,
Hindu Religious and Charitable Endowments,
Uttamar Gandhi Salai,
Chennai - 600 034.

+1cc to Mr.G.Sumitra, Advocate, S.R.No.48919
+1cc to the Government Pleader, S.R.No.29949

W.P.No.29949 of 2016
and

W.M.P.Nos.25904 & 25905 of 2016

AK(CO)
CA(08/09/2016)