

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2016

CORAM:

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.32118 of 2016

R.Raghupathy

... Petitioner

Versus

The Joint Commissioner,
HR & CE,
O/o. Fort Mariamman Temple,
Salem,
Salem District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of mandamus, to direct the respondent to pass orders on the petitioner's application in M.P.No.7 of 2015 filed under Section 54(1) of HR&CE Act 1959 pending on the file of the respondent.

For Petitioner : Mr.J.Bharathiraja

For Respondent : Mr.M.Maharaja, Special Govt. Pleader

ORDER

The present writ petition has been filed by the petitioner seeking a direction to the respondent to pass orders on the application filed by him in M.P.No.7 of 2015 filed under Section 54(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 pending on the file of the respondent.

2. According to the petitioner, the Temple called Kongavembu Sri Ramasamy Perumal Koil was founded by his ancestor Karutha Gounder about 115 years ago and after his death, his grandson Perumal Gounder managed the affairs and administration of the temple and also acted as Hereditary Trustee of the temple. After the demise of the said Perumal, his son Karutha Gounder became a Hereditary Trustee of the temple and managed the affairs of the said Temple and the said Karutha Gounder died in the year 1965 and after his death, his grandson Ramamoorthy, i.e. the father of the petitioner, became a Hereditary Trustee of the subject temple and managed the affairs of the temple. According to him, his father Ramamoorthy during his life time, filed a petition before the Deputy Commissioner (Judicial), HR&CE, Madras in O.A.No.50 of 1977 under Section 63(b) of HR&CE Act to declare that the Trusteeship of the said temple is a hereditary one and the Deputy Commissioner (Judicial) by order dated 07.04.1980 held that the Trusteeship is a hereditary one.

Thereafter, the said order was challenged by some third parties, who had no connection with the Temple, before the Commissioner, HR&CE, Chennai in A.P.No.55 of 1983 and the same was dismissed by the Commissioner by order dated 29.05.1985 and hence, the order passed in O.A.No.50 of 1977 became final and his father till his death in the year 2008 had been the Hereditary Trustee of the subject temple and after his death, the petitioner, as one of the legal heirs succeeded to the office of Trusteeship and acted as Hereditary Trustee of the subject temple. Thereafter, he filed a petition on 27.02.2015, under Section 54(1) of HR&CE Act, before the respondent, seeking to record his name in the place of his father late K.Ramamoorthy, as Hereditary Trustee of the subject temple, which was numbered as M.P.No.7 of 2015.

3. Now, the grievance of the petitioner is that the petition in M.P.No.7 of 2015 is pending before the respondent without even beginning the enquiry till date, even though his brothers and sisters made statements that they have no objection for appointing him as a Hereditary Trustee of the Temple and the Inspector, HR&CE, Harur, who recorded the said statement, has forwarded the same to the respondent. Hence, the present writ petition has been filed.

4. Heard the learned counsel appearing for the petitioner as well as the learned Special Govt. Pleader appearing for the respondent.

5. Considering the limited prayer sought for in the writ petition, the respondent is directed to pass orders on the petition in M.P.No.7 of 2015 filed by the petitioner, under Section 54(1) of HR&CE Act 1959 pending on his file, within a period of four months from the date of receipt of a copy of this order.

6. With the above direction, the present writ petition is disposed of. No costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

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To

The Joint Commissioner,
HR & CE,
O/o. Fort Mariamman Temple,
Salem,
Salem District.

+1 to Mr.J.Bharathiraja, Advocate SR.No.52186

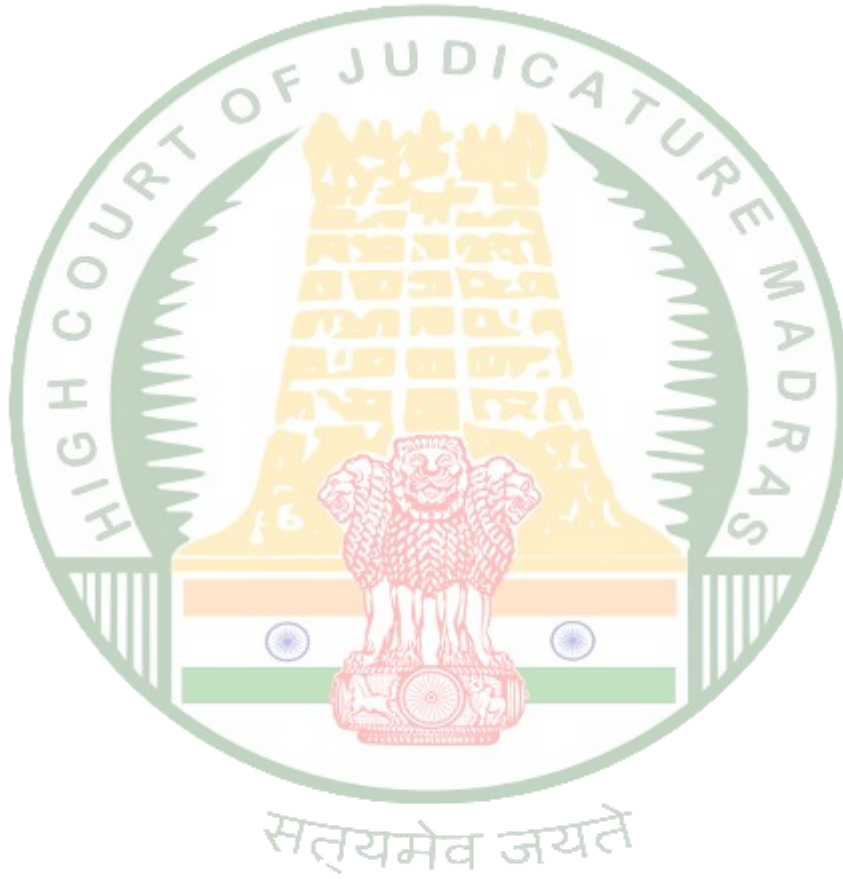
+1 to The Government Pleader SR.No.52663

CO-KSJ

ths : 18.10.2016

W.P.No.32118 of 2016

15.09.2016



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