

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.32876 of 2016

R.Kirubanandam

... Petitioner

vs.

1.The Commissioner  
Hindu Religious and Charitable  
Endowment Department  
Nungambakkam High Road  
Nungambakkam, Chennai 600 034.

2.The Joint Commissioner  
Hindu Religious and Charitable Endowment Department  
Administration Department  
Vellore District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus to direct the respondents 1 & 2 to dispose of the petitioner's representation dated 01.08.2016.

For Petitioner : Mr.A.P.Peter Gunasekaran  
For Respondents : Mr.M.Maharajan,  
Spl.Govt. Pleader

ORDER

Heard Mr.A.P.Peter Gunasekaran, learned Senior Counsel is appearing for the petitioner and Mr.M.Maharajan, learned Special Government Pleader, appearing for the respondents and with the consent of the learned counsel appearing on either side, the Writ Petition itself is taken up for final disposal .

2.In this writ petition, the petitioner seeks for directing the respondents to dispose of his representation dated 01.08.2016, in which he seeks for appointing him as an hereditary Trustee of Arulmigh Thirvaleeswarar Temple, Peruvoyal at Thiruvallur District.

3.If the petitioner wants himself to be recognised as a hereditary Trustee, he has to approach the second respondent by filing a Petition under section 63 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. Therefore, by submitting a representation, the petitioner cannot seek for the relief sought for and therefore, the question of issuing a writ of mandamus as sought for does not arise, as it would be a futile direction.

4.Accordingly, the Writ Petition is dismissed, leaving it open to the petitioner to file appropriate Application before the concerned Joint Commissioner of HR &CE Department, for necessary relief. No costs.

Sd/-  
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

rpa

To

1.The Commissioner  
Hindu Religious and Charitable  
Endowment Department  
Nungambakkam High Road  
Nungambakkam, Chennai 600 034.

2.The Joint Commissioner  
Hindu Religious and Charitable Endowment Department  
Administration Department  
Vellore District.

+1 CC to Government Pleader, Sr.No.53660

+1 CC to Mr. D. Peter Gowsekaran, Advocate Sr.No.53242

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MSM (CO)

MD : 04/10/2016