

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2016

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P.No.35435/2016

K.Manikandan .. Petitioner

Vs.

1 The Joint Commissioner
Hindu Religious and Charitable Endowments
Department, No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai-600 034.

2 The Fit Person,
Arulmigu Sridevi Mangali Amman Temple
Esa Pallavaram, Chennai-600 043.

3 T.Jagannathan .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 1st respondent herein to consider and pass orders on the appeal filed by the petitioner pending in Appeal No.1 of 2013.

For Petitioner : Mr.G.Arul Murugan
For RR 1 & 2 : Mr.M.Maharaja, Spl.GP [HR&CE]

ORDER

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

2 The petitioner would state that he is performing poojas as a priest in the temple, viz., Arulmigu Sridevi Mangali Amman Temple, by way of succession and the said temple was established by one Ranganathan Mudaliyar for worshipping the Deity by his family members and it is a private temple. The Administration and Management of the temple was subsequently inherited by one Shyamala Ammal as a hereditary trustee. In the interregnum, the 3rd respondent herein formed a Trust in the name and style of Arulmigu Mahasakthi Mangali Amman Temple Trust and removed the petitioner from the post of Archakar. The 1st respondent took over the administration of the temple and appointed the 2nd respondent as the Fit Person. The petitioner, hence filed WP.No.27043/2012 before this Court, praying to forbear the respondents 2 and 3 herein from interfering with the rights of the petitioner in performing poojas in the temple. This Court has disposed of the said writ petition by directing the petitioner to avail the appeal remedy. Accordingly, the petitioner filed Appeal No.1/2013 before the 1st respondent and in the said appeal, counter affidavits and reply affidavits have been filed and the arguments were completed as early as in the year 2014 and the said appeal is kept pending for passing orders since then. Hence, having no other alternative remedy, the petitioner is

before this Court, by filing the present writ petition.

3 Heard the learned counsel for the petitioner and Mr.M.Maharaja, learned Special Government Pleader [HR&CE] who accepts notice on behalf of the respondents 1 and 2.

4 This Court, considering the limited scope of prayer sought for by the petitioner and without going into the merits of the same, directs the 1st respondent to dispose of the appeal in Appeal No.1/2013 on merits and in accordance with law 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 The writ petition stands disposed of with the above direction. No costs.

05.10.2016

AP

B.RAJENDRAN, J.,

To

- 1 The Joint Commissioner
Hindu Religious and Charitable Endowments
Department, No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai-600 034.
- 2 The Fit Person,
Arulmigu Sridevi Mangali Amman Temple
Esa Pallavaram, Chennai-600 043.

WP.No.35435/2016

05.10.2016