

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P.No.39323/2016

Mr.G.Devarajan
Hereditary Trustee, A/M.Prasanna
Yoga Anjaneyar Perumal Thirukovil
No.3, Hasthinapuram Main Road
Nehru Nagar, Naradapuri
Chrompet, Chennai-600044.

.. Petitioner

Vs

1.The Commissioner
Hindu Religious & Charitable Endowment
[Admin] Department, Nungambakkam
Chennai 600 034.

2.The Joint Commissioner
Hindu Religious & Charitable Endowment
[Admin] Department, Nungambakkam
Chennai 600 034.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorarified mandamus to call for the records of the 1st respondent's proceedings Na.Ka.No.46085/2016/Y1 dated 03.10.2016, which was issued rejecting the petition seeking permission for reconstruction, filed by the petitioner and quash the same and consequently, direct the 1st respondent to sanction and approve the construction plan submitted before the 2nd respondent on 26.08.2016 by the petitioner.

For Petitioner : Mr.P.Thiagarajan
For RR 1 & 2 : Mr.M.Maharaja, Spl.GP [HR&CE]

ORDER

Heard Mr.P.Thiagarajan, learned counsel for the petitioner ; Mr.M.Maharaja, learned Special Government Pleader {HR&CE} who accepts notice on behalf of the respondents and with the consent on either side, the writ petition is taken up for final disposal.

2 The case of the petitioner is that, he, in the capacity of the Hereditary Trustee of Arulmighu Prasanna Yoga Anjaneyar Perumal Thirukovil, has submitted a representation/application dated 04.04.2016 seeking permission for reconstruction of the temple as the same was in a dilapidated condition and to perform consecration ceremony and also to approve the plan/sketch for the construction of the temple to the 1st respondent. The 1st respondent, vide his communication dated 06.05.2016 has called for a report from the 2nd respondent in this regard and the 2nd respondent, vide communication dated 26.08.2016, has also sent his report as well as the recommendation, recommending for approval of the plan. However, the 1st respondent rejected the said application vide the impugned order, aggrieved against which, the petitioner is before this Court, by filing the present writ petition.

3 The learned Special Government Pleader, on

instructions, produced an order passed by the Hon'ble First Bench of this Court dated 07.11.2016, wherein the Hon'ble First Bench has referred the matter of repairs and renovations in respect of the temples to a Committee.

4 A perusal of the said order of the Hon'ble First Bench dated 07.11.2016, would disclose that a Committee has been formed consisting of the following Specialisation:-

[1]Structural Engineering Expert ; [2]Archaeological Expert ; [3]Conservation Expert ; [4]Traditional Stapathy ; and [5]Two Agama Experts.

It has also been observed that the Departmental representative will act as the Secretary of the Committee for facilitating its work and for furnishing the records and that the Committee would look into the issue of repairs and renovations to be carried out in the temples and that the Committee should give priority depending on the urgency, as some religious ceremonies have to be performed. Liberty was also given to the Committee to adopt its own approach for obtaining necessary inputs.

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5 Though this Court is of the view that the impugned order is a non-speaking order, in view of the subsequent development, the petitioner is permitted to approach the Committee so formed along with an application/representation and the Committee shall consider the same, *de hors* the order passed by the 1st respondent dated 03.10.2016.

6 The writ petition stands disposed of with the above direction. No costs.

10.11.2016

AP

To

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Hindu Religious & Charitable Endowment
[Admin] Department, Nungambakkam
Chennai 600 034.

2.The Joint Commissioner
Hindu Religious & Charitable Endowment
[Admin] Department, Nungambakkam
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