

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.5220 of 2016

P.S.M.Murugesan

... Petitioner

Vs.

1.The Joint Commissioner,
HR & CE Department,
Salem -1.

2.The Executive Officer,
Arulmigu Mariamman, Kaliyamman Vagayara
Thirukoil and Rajarajeswari
Thirumana Mandapam,
HR & CE Department,
Elampillai, Salem District.

3.R.Nataraj @ Settu.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent not to permit the third respondent to collect money from the public in the name of renovation of the Rajarajeswari Marriage Hall which is under the Administrative control of the 2nd respondent and not to permit the third respondent to carry out the renovation work since already the renovation was completed.

For Petitioner : Mr.S.Doraisamy

For Respondents: Mr.P.Sanjay Gandhi

Additional Government Pleader

ORDER

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

2.The present writ petition has been filed seeking a Mandamus directing the first respondent not to permit the third respondent to collect money from the public in the name of renovation of the Rajarajeswari Marriage Hall which is under the Administrative control of the second respondent and not to

permit the third respondent to carry out the renovation work since already the renovation was completed.

3.The petitioner would state that Arulmigu Mariamman Kovil is administered by the Hindu Religious and Charitable Endowment Commissioner. He would further state that his father was appointed as one of the trustees of the above Temple by the second respondent and on the request made by the general public, the Board of Trustees decided to construct a marriage hall in the name of Rajarajeswari Thirumana Mandapam and accordingly, permission was also obtained by the petitioner's father from the second respondent and donation was also collected from the public and marriage hall was also constructed.

4.The petitioner would further state that in the year 1998, his father was appointed as "Ubaya Thirupaniyalar" for the renovation of the Mariamman Temple and accordingly, renovation work was undertaken to renovate the Mariamman Temple and after completion of the renovation work, his father conducted Kumbabhisekam successfully and also furnished the account to the second respondent as per Section 32 of the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959. He would further state that his father died in the year 2006 and in the year 2007, he was appointed as "Ubaya Thirupaniyalar."

5.The petitioner would further state that in the year 2011, the second respondent appointed himself, one Raja and Loganathan as "Ubaya Thirupaniyalar" to carry out the renovation work of Rajarajeswari Thirumana Mandapam and when the work was about to be completed and only 5% of the work left out, the Chairman of the Committee Raja died and the second respondent dissolved the Committee and the second respondent himself carried out the balance renovation work. The petitioner has also furnished the accounts as per Section 32 of the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959. Whiles, the third respondent is collecting money from the public stating that he is going to renovate the above marriage hall without any authority from the second respondent to carry out the renovation work. Hence, the petitioner made a representation to the first respondent on 12.01.2016, but till date the said representation has not been considered. Hence, this petition.

6.Heard the submissions of the learned counsel appearing for the petitioner and the learned Additional Government Pleader.

7.Considering the submissions made on either side, this Court directs the first respondent to consider the petitioner's representation dated 12.01.2016 on merits, after affording opportunity of personal hearing to the petitioner as well as to the third respondent and pass appropriate orders, within a period of six weeks from the date of receipt of a copy of this

order. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim projected by the petitioner and it is open to the first respondent to decide the matter on merits.

8.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

- 1.The Joint Commissioner,
HR & CE Department,
Salem -1.
- 2.The Executive Officer,
Arulmigu Mariamman, Kaliyamman Vagayara
Thirukoil and Rajarajeswari
Thirumana Mandapam,
HR & CE Department,
Elampillai, Salem District.

+1cc to Mr.S.Doraisamy, Advocate, S.R.No.9740
+1cc to the Government Pleader, S.R.No.9506

W.P.No.5220 of 2016

msm(CO)
srg(23/02/2016)

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