

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.5911 of 2016

S. Radhakrishnan
Hereditary Trustee
Sri Vinayagar, Karanthai Ayyanaar, Mariamman,
Veeranar, etc. Thirukkivil
Periyakaapankulam & Post
Vridhachallam Taluk
Cuddalore District ... Petitioner

Vs.

1. The Secretary to Government
Public Works Department
Fort St. George
Chennai 600 009
2. The District Collector
Cuddalore District
Cuddalore
3. The Commissioner
Hindu Religious and Charitable Endowments Board
119, Uthamar Gandhi Salai
Opp. Taj Coramandel Hotel
Nungambakkam
Chennai 600 034
4. The Panchayat President
Periyakaapangulam & Post
Vrichachalam Taluk
Cuddalore District ... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the respondents to consider the petitioner's representation dated 30.12.2015 enabling the petitioner to run the temple chariot.

For petitioner : Mr. S. Ramesh Kumar

For RR 1 & 2 : Mrs. A. Srijayanthi,
Special Government Pleader

For R3 : Mr. P. Sanjay Gandhi,
Additional Government Pleader

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for respondents 1 and 2. Mr. P. Sanjay Gandhi, learned Additional Government Pleader, accepts notice for the third respondent. Notice to the fourth respondent is dispensed with at this stage, inasmuch as no order, prejudicial to his interest, is passed in this writ petition. Thus, with the consent of the learned counsel for the petitioner, learned Special Government Pleader appearing for respondents 1 and 2 and the learned Additional Government Pleader appearing for the third respondent, the writ petition is taken up for final disposal, at the admission stage itself.

2. The petitioner, claiming to be the Hereditary Trustee of Sri Vinayagar, Karanthai Ayyanaar, Mariamman, Veeranaar, etc. Thirukkivil, has come up with this writ petition seeking a writ of mandamus, directing the respondents to consider his representation dated 30 December 2015, enabling him to run the temple chariot.

3. The petitioner's aforesaid representation, which is sought to be considered by the respondents, is annexed in the paper book. The grievance espoused by the petitioner in his representation is that the temple tank is encroached and the said encroachment has to be removed and the temple tank has to be restored to its original state.

4. If the tank in question belongs to the temple, it is for the temple to remove the encroachment.

5. So far as granting permission to take out temple chariot for procession is concerned, it is open to the authorities to examine the entitlement of the petitioner or any other Trustee, who, under the scheme, is entitled to take out the chariot for procession.

6. In such view of the matter, no adjudication is necessitated on the pleadings made by the petitioner. However, it is left open to the third respondent to ensure that all religious places are free from encroachments and religious rites are performed in accordance with the well established system.

The writ petition stands disposed of accordingly. Costs made easy.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad

To

1. The Secretary to Government
Public Works Department
Fort St. George, Chennai 600 009
2. The District Collector
Cuddalore District, Cuddalore
3. The Commissioner
Hindu Religious and Charitable Endowments Board
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4. The Panchayat President
Periyakaapangulam & Post
Vrichachalam Taluk
Cuddalore District

+1cc to Mr.S. Ramesh Kumar, Advocate, S.R.No.10623
+2cc's to the Government Pleader, S.R.Nos.11049 & 10771

W.P. No.5911 of 2016

MG (CO)
CA(02/03/2016)