

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.7235 of 2016

and

WMP.No.6433 of 2016

M.V.Sanjeev Kumar Petitioner

vs.

- 1.The Secretary to Government
Tamil Culture and Hindu Religious, Charitable
Endowment Department,
Fort St. George, Chennai 600 009.
- 2.The Commissioner,
Hindu Religious, Charitable Endowment Department
Nungambakkam, Chennai 600 034.
- 3.The Joint Commissioner
Hindu Religious and Charitable Endowment Department.
Coimbatore District,
Dr.Balasundaram Salai,
Coimbatore.
- 4.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Tirupur District, Office at Collectorate,
Tirupur. Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the fourth respondent to constitute a Board of Trustee to manage, administrative affair of Sri Bhagavathi Amman Temple, Mallapalayam, Panchaithaiyul Post, Dharapuram Taluk, Tirupur District, based on the petitioner's representation dated 19.02.2016.

For Petitioner : Mr.M.Selvam

For Respondents : Mr.P.Sanjay Gandhi, AGP

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the fourth respondent to constitute a Board of Trustees to manage and administrate the affairs of Sri Bhagavathi Amman Temple, Mallapalayam, Punchaithaiyul Post, Dharapuram Taluk, Tirupur District, based on his representation dated 19.02.2016.

2. It is the case of the petitioner that he is a resident of Mallapalayam Village, wherein, an ancient temple by name Sri Bhagavathi Amman Temple is situated. Presently, the temple has 77 sovereign of gold jewels offered by the devotees in token of the benevolence of the presiding deity. Though the annual income of the temple is more than Rs.2 lakhs, the second respondent has not listed the temple under Chapter 6 of the Hindu Religious and Charitable Endowment Act (hereinafter shortly referred to as H.R & C.E. Act) nor appointed any trustee. Since the temple is not under the control of the H.R.& C.E department, certain persons purporting to administer the affairs of the temple, are swindling the income of the temple for their personal gain and projecting a picture as if the temple has only a lesser income than what is required for listing it under Section 46 of the H.R & C.E. Act. Therefore, the petitioner made separate representations dated 19.02.2016 to respondents 2 to 4 requesting them to take charge of the temple and conduct the festival as per the tradition. But, till date, no action has been taken by the respondents. Since the festival is due to take place on 28.02.2016, the petitioner has no other option except to approach this court with the present petition for the above stated relief.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

4. Considering the facts and circumstances of the case, this Court directs the fourth respondent to consider the representation of the petitioner dated 19.02.2016, by affording an opportunity of personal hearing to the petitioner as well as to other necessary parties, if any and pass appropriate orders. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the fourth respondent to pass appropriate orders

purely on merits and in accordance with law. The said exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1.The Secretary to Government
Tamil Culture and Hindu Religious, Charitable
Endowment Department,
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Hindu Religious and Charitable Endowment Department,
Tirupur District, Office at Collectorate,
Tirupur.

+1 cc to M/s.M.Selvam Advocate sr.12253

W.P.No.7235 of 2016

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