

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 8/3/2016

C O R A M

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.8465 of 2016

D.Nakkeeran

... Petitioner

Vs

1. The Assistant Commissioner of Hindu
Religious & Charitable Endowment
No.122/107 Thiruvoodal Street
Thiruvannamalai District.

2. The Inspector of HR &CE
Cheyyaru
Thiruvannamalai District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the first respondent to consider and pass orders on the petitioner's representation/objections dated 22/2/2016 submitted with reference to the auctioning of the trees standing in the lands comprised in Survey No.256/4 measuring 56 cents, Survey No.241/1 measuring 41 cents, Survey No.210/3 measuring 11 cents and Survey No.216/5 measuring 82 cents situate at Thirumpoondi Village, Cheyyaru Taluk, Thiruvannamalai District, belong to A/m Ponniyamman and Gurunatha Eswarar Temples situated in Thirumpoondi Village, Cheyyaru Taluk, Thiruvannamalai District within a time frame fixed by this court.

For Petitioner

... Mr.K.Premkumar

For respondents

... Mr.K.V.Dhanapalan

Additional Government Pleader
(HR & CE)

O R D E R

With the consent of the learned counsel appearing on either side, this writ petition is taken up for final disposal, at the admission stage itself.

2. Heard Mr.K.Premkumar, learned counsel for the petitioner and Mr.K.V.Dhanapalan, learned Additional Government Pleader (HR & CE) for the respondents.

3. This writ petition has been filed praying to direct the first respondent, to consider and pass orders on the petitioner's representation/objections, dated 22/2/2016, submitted with reference to the auctioning of the trees standing in the lands comprised in Survey No.256/4 measuring 56 cents, Survey No.241/1 measuring 41 cents, Survey No.210/3 measuring 11 cents and Survey No.216/5 measuring 82 cents situate at Thirumpoondi Village, Cheyyaru Taluk, Thiruvannamalai District, belong to A/m Ponniyamman and Gurunatha Eswarar Temples situated in Thirumpoondi Village, Cheyyaru Taluk, Thiruvannamalai District.

4. The case of the petitioner is that the petitioner is the hereditary trustee of the aforestated temples and paying kist to the authorities concerned in the name of the hereditary trustees in respect of the above said lands. During February 2016, the respondents had conducted an auction to cut, remove and sell the trees standing in the aforestated lands, without any authority and jurisdiction. The petitioner submitted a petition to the first respondent, objecting the actions of the respondents and also requested to cancel all further proceedings. On 24/2/2016, the petitioner submitted a petition, to the second respondent, requesting him to cancel the auction of the trees belong to the said temples. Since the first respondent has not taken any action, the petitioner has come up with the present writ petition praying for the relief as stated therein.

5. Without going into the merits of the claim of the petitioner, the first respondent is hereby directed to consider the representation of the petitioner, dated 24/2/2016, and pass an appropriate order, on merits and in accordance with law, within a period of six weeks, from the date of receipt of a copy of this order, by affording an opportunity of personal hearing, to the petitioner. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim of the petitioner.

6. With the above direction, this writ petition is disposed of. No costs.
mvs.

s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Assistant Commissioner of Hindu
Religious & Charitable Endowment
No.122/107 Thiruvoodal Street
Thiruvannamalai District.

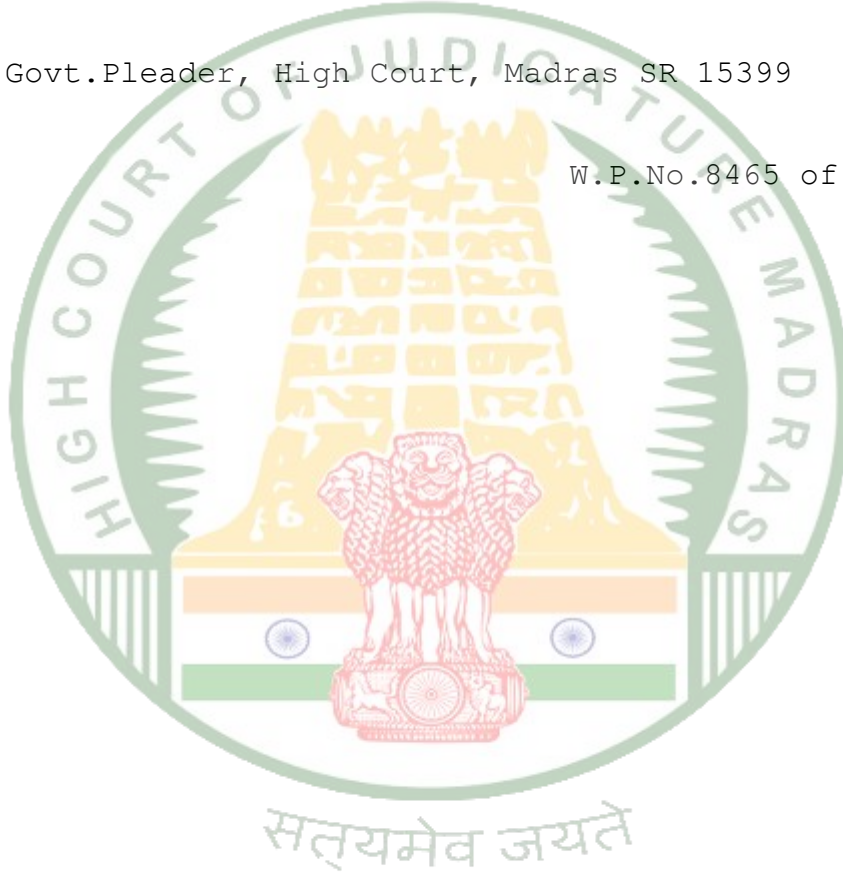
2. The Inspector of HR &CE
Cheyyaru
Thiruvannamalai District.

+ 1 cc to Mr.K.Premkumar, Advocate, SR 14644

+ 1 cc to Govt.Pleader, High Court, Madras SR 15399

sns(co)
prk11/3

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