

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.8796 of 2016

P.K.Rajarathinam

... Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowment Board,
Nungambakkam,
Chennai-600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Thanjavur District,
Thanjavur.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowment Board,
Nagapattinam District,
Nagapattinam.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the first respondent to appoint the Executive Officer in Sri Mariamman Thirukoil, Panchanathikulam East, Nagapattinam District, based on the orders of the second respondent, dated 03.11.2015, within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Murugabharathi

For Respondents : Mrs.Rita Chandrasekaran,
Special Government Pleader (HR & CE)

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the first respondent to appoint an Executive Officer in Sri Mariamman Thirukoil, Panchanathikulam East, Nagapattinam District, based on the

orders of the second respondent, dated 03.11.2015, within a stipulated time that may be fixed by this Court.

2. In the affidavit filed in support of the Writ Petition, it is stated by the petitioner that he is the hereditary trustee of Sri Mariamman Temple, Panchanathikulam, Nagapattinam District, under Section 63(b) of the Tamil Nadu H.R. & C.E. Act, as per the order passed in O.A.No.77 of 1975, dated 17.03.1977 by the Deputy Commissioner, H.R. & C.E. Department, Thanjavur. He is continuing as hereditary trustee in the said Temple. It is further stated by the petitioner that the lands measuring 8,675 hectares and 35 sovereigns of gold jewels totally worth about Rs.75 lakhs, belong to the Temple. Every year, festival used to be celebrated in the Temple by spending Rs.2 lakhs. While so, in the year 2009, one Karthikeyan and Kailasam, who are the Committee members of the Temple, misappropriated the Temple money. Hence, the petitioner requested the third respondent to appoint an Executive Officer for the Temple. Periodical representations were sent to the respondents for appointing an Executive Officer.

3. It is further stated by the petitioner that the third respondent sent a letter to the first and second respondents in Na.Ka.No.4020/2009 E2, dated 03.07.2015, along with the petitioner's letter and inspection report, for appointing an Executive Officer for the Temple under Section 45(1) of the Tamil Nadu H.R. & C.E. Act. On 06.10.2015, the first respondent issued Circular in Na.Ka.No.48006/2015/G2, dated 06.10.2015 to all the Joint and Assistant Commissioners, stating that if any Temple is not under the control of the H.R. & C.E. Department, necessary action be taken as stated therein. It is further stated by the petitioner that after receiving the letter of the third respondent, dated 03.07.2015 and the petitioner's request, the second respondent issued the letter in Na.Ka.No.8840/2015 A2, dated 03.11.2015 to the first respondent for appointing an Executive Officer for the Temple. Subsequently, the petitioner sent a representation to the first respondent on 21.11.2015 to appoint an Executive Officer for the Temple, by enclosing necessary documents. Since no orders are passed, the petitioner has filed this Writ Petition for the above relief.

4. When the Writ Petition is taken up for consideration, learned Special Government Pleader appearing for the respondents submitted that appropriate orders would be passed by the respondents in respect of the above claim of the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

5. Hence, there is no need to give any specific direction to the respondents. Recording the above submission of the learned Special Government Pleader, this Writ Petition is closed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

CS

To

1. The Commissioner,
Hindu Religious and Charitable Endowment Board,
Nungambakkam, Chennai-600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Thanjavur District, Thanjavur.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowment Board,
Nagapattinam District, Nagapattinam.

+1cc to Mr.R.Murugabharathi, Advocate, S.R.No.15137
+1cc to the Government Pleader, S.R.No.15397

W.P.No.8796 of 2016

MP (CO)
CA(14/03/2016)

सत्यमेव जयते

WEB COPY