

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 30.08.2016****CORAM****THE HONOURABLE MR.JUSTICE M.VENUGOPAL****W.P (MD) No.16194 of 2016**

K.Thandayuthapani

... Petitioner

Vs.

The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Srirangam,
Trichy-6.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the Respondent herein to dispose of O.A.No.23 of 2013 within a stipulated time.

For Petitioner : Mr.P.Arun Jayatram

For Respondent : Mr.V.Muruganandham,
Additional Government Pleader**O R D E R**

Heard both sides. By consent, the main Writ Petition itself is taken up for final disposal. No counter-affidavit is filed on behalf of the Respondents.

2. According to the Petitioner, he filed an Application viz., O.A.No.23 of 2013 on the file of the Respondent by invoking Section 63(b) of the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959, seeking to declare him as the Hereditary Trustee of the Temples called Kanavai Kannimar Temple, Pambalamman Temple, Malaiperumal Temple. The enquiry in O.A.No.23 of 2013 on the file of the Respondent was completed on 21.04.2015.

3. At this stage, the Learned Counsel for the Petitioner submits that even after a lapse of more than one year from the date of completion of enquiry on 21.04.2015, till date the Respondent has not passed orders in O.A.No.23 of 2013. Hence, the Petitioner has filed the present Writ Petition before this Court.

<https://hcservices.ecourts.gov.in/hcservices/>

4. In response, the Learned Additional Government Pleader for

the Respondent submits that after completion of enquiry on 21.04.2015 in O.A.No.23 of 2013 on the file of the Respondent, one P.Periyasamy and another one R.Gunasekaran, filed I.A.No.10 of 2016 seeking to re-open the closed matter and to implead them as third parties in the main O.A.No.23 of 2013. The said O.A.No.23 of 2013 is pending on the file of the Respondent.

5. In view of the fact that I.A.No.10 of 2016 in O.A.No.23 of 2013 filed by one P.Periyasamy and another, is pending on the file of the Respondent (after completion of enquiry in O.A.No.23 of 2013), at this stage, this Court deems it fit and proper to direct the Respondent/Joint Commissioner, Hindu Religious and Charitable Endowment Department, Srirangam, Trichy, to take up the pending I.A.No.10 of 2016 in O.A.No.23 of 2013, within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the Respondent/Joint Commissioner, Hindu Religious and Charitable Endowment Department, Srirangam, Trichy, is to pass a reasoned speaking order on merits (Of course after adhering to the Principles of Natural Justice by issuing notice to the Petitioner and others concerned if any, if situation so warrants), within a period of four weeks thereafter. Since the said Original Application Number.23, is of the year 2013 and nearly three years have rolled by, at this stage, this Court further directs the Respondent to pass necessary orders in O.A.No.23 of 2013 within the time adumbrated by this Court as stated supra. The Petitioner and other parties are directed to lend their assistance and co-operation to the Respondent/Joint Commissioner, Hindu Religious and Charitable Endowment Department, Srirangam, Trichy, so as to enable him to do the needful in the subject matter in issue within the time as afore stated.

With the above said Direction(s)/Observation(s), this Writ Petition stands disposed of. No Costs.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

To

The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Srirangam, Trichy -6.

+1 cc to M/s.P.Arun Jayatram, Advocate in SR.No.48709

+1 cc to The Special Government Pleader in SR.No. 48591

W.P(MD)No.16194 of 2016

30.08.2016