

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2017

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P.No.7372 of 2017

A/m.Dharma Vinayagar Koil
Rep. by its Hereditary Trustee V.Thirupathi
No.85 & 86, Sembudoss Chetty Street,
Mannady,
Chennai - 600 001. .. Petitioner

Vs.

1.The Assistant Commissioner,
Hindu Religious & Charitable Endowments (A)
Department,
Nungambakkam,
Chennai.

2.M.K.Haji

3.V.Dhanasekaran .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to take necessary action on my representations dated 03.08.2015 followed by reminders on 04.01.2016 and 09.01.2016 in accordance with rules and regulations contemplated under the HR&CE Act 22 of 1959.

For Petitioner :Mr.N.Sathyamoorthi

For Respondents :Mr.M.Maharaja
Special Govt Pleader (HR&CE) [for R1]

ORDER

The petitioner seeks a direction to the first respondent to take necessary action on his representations dated 03.08.2015 followed by reminders dated 04.01.2016 and 09.01.2016 in accordance with law.

2. By consent, the writ petition is taken up for final disposal.

3. The case of the petitioner is that he is the hereditary trustee of Arulmighu Dharma Vinayagar Koil, situated at Nos.85 & 86, Sembudoss Chetty Street, Mannady, Chennai - 600 001. It is stated that the petitioner's father Thiru.V.Janardhanam Chettiar was the hereditary trustee of the said Temple and on his demise, the petitioner assumed the said post by virtue of the order of Joint Commissioner, HR&CE (A) Department dated 07.3.2012. According to him, one Haji had unauthorisedly occupied the shop belonging to the Temple in collusion with one Dhanasekar, in connection with which a complaint was registered with the respondent Police. Since no action was taken by the police authorities, the petitioner made a representation dated 03.08.2015 to the first respondent, followed by reminders dated 04.01.2016 and 09.01.2016, requesting to evict the encroachers from the said property under Sec.78 of HR&CE Act. Despite receipt and acknowledgment, the petitioner is yet to be favoured with any kind of response and therefore, the petitioner has come forward to file the present Writ Petition for the relief stated supra.

4. The learned counsel for the petitioner contended that the respondents 2 and 3 are the encroachers of the said property of the Temple and inspite of his representations made to the first respondent, no action was initiated against them.

5. The learned Special Government Pleader appearing for the first respondents would contend that already a committee was constituted by the Trustees, before whom the petitioner shall submit a representation, and if any such representation is made, the Committee shall consider it and pass necessary order in accordance with law and it will be communicated to the first respondent.

6. In view of the above submission of the learned Special Government Pleader appearing for first respondent, no further order is required to be passed in this Writ Petition. Accordingly, the Writ Petition is closed. No costs.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

The Assistant Commissioner,
Hindu Religious & Charitable Endowments (A) Department,
Nungambakkam,
Chennai.

+1cc to Government Pleader SR.No.19041

+1cc to Mr.Sathyamoorthi, Advocate SR.No.18793

WP.No.7372 of 2017

SDR 18.04.2017



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