

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2017

CORAM

THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.21114 of 2017

V. Mani

... Petitioner

vs

1. The Commissioner.
Hindu Religious Charitable and
Endowment Department,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai – 600 034

2. The District Collector,
Villupuram District,
Villupuram

3. The Tahsildar,
Dindivanam Taluk,
Taluk Office,
Dindivanam,
Villupuram District

4. Panchayat President/Special Officer,
Villivakkam Panchayat,
Dindivanam Taluk,
Villupuram District
PINCODE :604 206

5. C. Sekar

6. V. Annamalai

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 01.12.2016 by directing the first respondent to observe the temple along with the trust as Public Trust and Temple under HR & CE Act.

For Petitioner : Mr.R. Anand Kumar
For Respondents : Mr.M.Maharaja
Spl.Govt Pleader, for R-1
: Mr.R. Rajeswaran
Spl.Govt. Pleader, for RR 2 and 3
: Mr.Era Premnath
Govt. Advocate for R-4

* * * * *

ORDER

The petitioner has filed the above writ petition to issue a writ of mandamus directing the respondents to consider the representation of the petitioner dated 01.12.2016 by directing the first respondent to observe the temple along with the trust as Public Trust and Temple under HR & CE Act.

2.On a perusal of the representation dated 01.12.2016, it could be seen that the petitioner has not made out a case for declaring the temple along with the trust as Public Trust and Temple. That apart,

the representation has not been given in accordance with the provisions of the HR & CE Act.

3.Learned counsel appearing for the petitioner submitted that liberty may be given to the petitioner to file a proper petition before the respondents in accordance with law and in such an event, the respondents, including the Joint Commissioner of the HR & CE Department, may be directed to consider the same in accordance with law, after giving notice to all the interested parties.

4.Mr.M.Maharaja, learned Special Government Pleader, taking notice for the first respondent, submitted that in the event of the petitioner filing a fresh petition in accordance with law, the Joint Commissioner of the HR & CE Department may be directed to consider the same in accordance with law.

5.Mr.R.Rajeswaran, learned Special Government Pleader, takes notice for respondents 2 and 3 and Mr.Era Premnath, learned Government Advocate, takes notice for the fourth respondent.

6. In view of the submissions made by the learned counsel on either side, I am of the view that a liberty may be given to the petitioner to file a fresh petition before the Joint Commissioner of HR & CE Department, in accordance with the provisions of the Act and in such an event, the Joint Commissioner can be directed to consider the petition and dispose of the same in accordance with law.

7. Accordingly, I give liberty to the petitioner to file a fresh petition to the Joint Commissioner of the HR & CE Department, in accordance with the provisions of the Act and in such event, the Joint Commissioner of the HR & CE Department shall consider the same and pass orders in accordance with law, after giving notice to all the interested parties, as expeditiously as possible.

With these observations, the writ petition is disposed of. No costs.

WEB COPY

08.08.2017

Speaking/Non-speaking order

Index : Yes / No

Internet : Yes / No

Note: Issue order copy by 10.08.2017.

sra

To

1. The Commissioner.
Hindu Religious Charitable and
Endowment Department,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai – 600 034
2. The District Collector,
Villupuram District,
Villupuram
3. The Tahsildar,
Dindivanam Taluk,
Taluk Office,
Dindivanam,
Villupuram District
4. Panchayat President/Special Officer,
Villivakkam Panchayat,
Dindivanam Taluk,
Villupuram District
PINCODE :604 206

The seal of the Department of Judicature Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital in front of it. The text 'DEPARTMENT OF JUDICATURE MADRAS' is written in a green circle around the central image. Below the seal, the Sanskrit motto 'सत्यमेव जयते' (Satyameva Jayate) is written in Devanagari script.

WEB COPY

M.Duraiswamy, J.

(sra)



W.P.No.21114 of 2017

WEB COPY

08.08.2017