

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2017

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

WRIT PETITION NO.44729 OF 2016

AND

W.M.P.No.38547 of 2016

S.Narashima Battachariar

...Petitioner

Vs.

The Joint Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowment Department,
Chennai- 34.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondent to pass orders on the application of the petitioner made under Section 54 (1) of HR & CE Act, dated 14.12.2016, and the subsequent representation, dated 20.12.2016, and to appoint the petitioner as Hereditary Trustee of Arulmigu Kariyamanicka Perumal Tirukovil, situated at Ayanavaram, Chennai - 23.

For Petitioner : Mr.S.Venkatesh
For Respondent : Mr.M.Maharaja
Special Government Pleader
(HR & CE)

O R D E R

The petitioner has filed this Writ Petition, praying for issuance of a Writ of Mandamus to direct the respondent to pass orders on his application made under Section 54 (1) of HR & CE Act, dated 14.12.2016, and the subsequent representation, dated 20.12.2016, by appointing him as Hereditary Trustee of Arulmigu Kariyamanicka Perumal Tirukovil, situated at Ayanavaram, Chennai-23.

2. The case of the petitioner, as stated in the affidavit, filed in support of this Writ Petition in short, is that, as per the order, dated 03.04.1941, passed in O.A.No.230 of 1940, the petitioner's great grandfather, by name Rangasamy Battachariar was the Hereditary Trustee of the aforementioned Temple. Thereafter, his son, by name Srinivasa Battachariyar, viz.,

petitioner's grandfather held the said post. Subsequently, the petitioner's father, by name Santhanam Battachariar succeeded to the said post. The petitioner states that since his father was unwell, he gave a representation to the respondent, dated 22.08.2016, requesting the respondent to relieve him from the said post and to appoint his son, i.e., the petitioner as a Hereditary Trustee. Since the said representation evoked no response, the petitioner submitted an application under Section 54 (1) of H.R. & C.E. Act, dated 14.12.2016, setting forth his case and to appoint him as Hereditary Trustee of the Temple, which has also been followed by a representation, dated 20.12.2016. As the petitioner has not been favoured with any response, he is constrained to approach this Court, by way of filing the present Writ Petition.

3. The learned Special Government Pleader for the respondent, on instructions, has submitted that the matter is pending before the respondent/Joint Commissioner and that appropriate orders would be passed by the respondent and he prayed that, reasonable time may be given for passing orders.

4. In the light of the above, the Writ Petition is disposed of by directing the respondent to consider the application made by the petitioner, dated 14.12.2016, which has been followed by a representation, dated 20.12.2016, and after hearing all the parties concerned, pass appropriate orders within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

सत्यमेव जयते Sub Assistant Registrar

sd
To
The Joint Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowment Department, Chennai- 34.
+lcc to Mr.S. Venkatesh, Advocate, S.R.No.564
+lcc to the Special Government Pleader, (HR & CE)S.R.No.913

NMI (CO)
EU 15.2.17

Writ Petition No.44729 of 2016