



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :25.10.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.16499 of 2017

1.P.S.Jegannathan

2.S.Chinnadurai

3.M.Arunachalam

.. Petitioners

Vs.

1.The Joint Commissioner,
Office of the Joint Commissioner,
Hindu Religious and Charitable Endowments,
Administration Department,
Madurai - 1.

2.The Commissioner,
H.R & C.E. Department,
119, Nungampakkam High Road,
Chennai - 600 034.

3.The Assistant Commissioner,
H.R & C.E. Department,
Pandian Nagar, Dindigul.

4.The Inspector,
H.R & C.E. Department,
Pandian Nagar, Dindigul.

5.The Executive Officer,
Arulmigu Srinivasa Perumal Thirukkoil,
(Additional Charge),
Arulmighu Abirami Amman Thirukkkoil,
Dindigul.

6.S.C.Sundara Rajan

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to consider and dispose of the representation of the petitioner dated 06.07.2013 and 15.07.2017 to fillup the vacancy caused on account of the death of S.C.Dhandapani, son of S.Chinnasamy Naidu, one of the hereditary trustees and for election of the chairman of Board of



Trustees in Poochinaickenpatti village, Dindigul Taluk, Dindigul District, within the jurisdiction of the official respondents in accordance with law, within the time frame that may be stipulated by this Court.

For Petitioner : Mr.A.Hariharan
For Respondents 1 to 4 : Mr.J.Gunaseelan Muthiah
Government Advocate
For Respondent 5 : Mr.A.K.Baskarapandian
Special Government Pleader
For Respondent 6 : Mr.G.Gomathi Sankar

ORDER

This writ petition is filed seeking to direct the respondents 1 and 2 to consider and dispose of the representation of the petitioner dated 06.07.2013 and 15.07.2017 and take steps to fillup the vacancy caused on account of the death of S.C.Dhandapani, son of S.Chinnasamy Naidu, one of the hereditary trustees and for election of the chairman of Board of Trustees in Poochinaickenpatti village, Dindigul Taluk, Dindigul District, within the jurisdiction of the official respondents in accordance with law, within the time frame that may be stipulated by this Court.

2.According to the petitioners, there are five hereditary trustees in respect of the Arulmighu Muthalamman, Arulmighu Bagavathiamman temples in Poochinaickenpatti in Begampur at Dindigul and the Chairman is elected by hereditary trustees. One S.C.Sundararajan sixth respondent herein filed R.P.3/10 D2, before the second respondent, who in turn granted stay for conducting election to elect the chairman and closed the matter with liberty to file a revision after impleading necessary parties. Subsequently, the first respondent, vide order in Na.Ka.No.5756/2011/B1, dated 27.07.2011, appointed the first petitioner as Chairman of the Board of Trustees, which was subsequently ordered to be kept in abeyance till the vacancy caused on account of the death of one of the Trustees viz., S.C.Dhandapani is filled up. Hence, the petitioners sent a representation dated 06.07.2013 to the first and second respondents requesting to approve order dated 27.07.2011 and to vacate the stay granted in revision. Though many steps were taken by the petitioners, no order came to be passed. So, the petitioners on 15.07.2017 sent another representation to the respondents. However, thereafter also no order has been passed on the representations of the petitioners. Hence, the petitioners are before this Court, seeking appropriate directions to the respondents

3.The learned Additional Government Pleader appearing for the respondents 1 to 4 would submit that the representations of the petitioners would be considered within the time stipulated by this Court.



4.Considering the limited scope of the relief sought, this Court, without going into the merits of the case, directs the second respondent to consider representations dated 06.07.2013 and 15.07.2017 filed by petitioners and pass appropriate orders, on their own merits and in accordance with law, after affording due opportunity of hearing to the petitioners and to the sixth respondent as well as to the interested parties, if any within a period of six weeks from the date of receipt of a copy of this order.

5.With the above direction this writ petition is disposed of. No Cost.

Sd/-
Assistant Registrar(P&A)

/True Copy/

Sub-Assistant Registrar

To

1.The Joint Commissioner,
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Hindu Religious and Charitable Endowments,
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3.The Assistant Commissioner,
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4.The Inspector, H.R & C.E. Department,
Pandian Nagar, Dindigul.

5.The Executive Officer,
Arulmigu Srinivasa Perumal Thirukkoil,
(Additional Charge),
Arulmighu Abirami Amman Thirukkkoil, Dindigul.

+One cc to Mr.A.Hariharan, Advocate, SR.No.83507

+One cc to Mr.A.K.Baskara Pandian, Advocate, SR.No.83565

+One cc to Mr.G.Gomathi Shankar, Advocate, SR.No.83683

dsk

RL/9C/3P/KK/SAR4/7/11/2017

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

ORDER MADE IN
W.P (MD) No.16499 of 2017

25.10.2017