



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.(MD)No.17690 of 2017andW.M.P (MD)No.14227 of 2017

Balasubramaniyan

... Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious and Endowment Board,
Chennai.
- 2.The Assistant Commissioner,
Hindu Religious and Endowment Board,
Rockfort, Tiruchirappalli.
- 3.The Executive Officer,
Hindu Religious and Endowment Board,
Sivankoil, Thuraiyur, Tiruchirappalli.

... Respondents

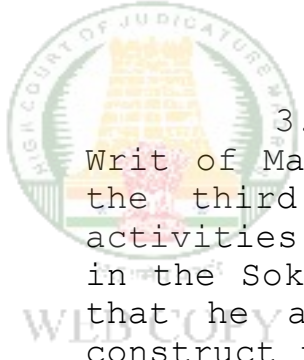
PRAYER:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to take action for the illegal construction of the Vinayagar, Mariyamman, Thottichiamman Temples in the Sokkanathapuram Village.

For Petitioner : Mr.S.Muthukrishnan
For Respondents : Mr.M.Alagathevan,
Special Government Pleader
for R.1 & R.2
Mr.N.S.Karthikeyan,
Additional Government Pleader
for R.3

ORDER

By consent, this writ petition itself is taken up for final disposal.

2. Mr.M.Alagathevan, learned Special Government Pleader, takes notice for R.1 & R.2 and Mr.N.S.Karthikeyan, learned Additional Government Pleader takes notice for R.3.



3. The petitioner has come before this Court, seeking a Writ of Mandamus directing the respondents to take action against the third parties, who had illegally made some construction activities in the Vinayagar, Mariyamman and Thottichiamman Temples in the Sokkanathapuram Village. It is the case of the petitioner that he along with ten upayadhargal were given permission to construct the temple, which, according to them, is now disputed by the authorities concerned and all of a sudden, some third parties have started the said construction activities. Aggrieved thereby, the petitioner approached the third respondent and due to the inaction on the part of the third respondent, the petitioner is before this Court.

4. The learned Special Government Pleader, on instructions, submitted that it is the first respondent, who has to take action on the petitioner's claim and the petitioner has not submitted any representation to the first respondent. He fairly submitted that the first respondent will pass necessary orders, within a stipulated time limit, if the petitioner submits a copy of his representation to the first respondent.

5. Under such circumstances, this Court, without going into the merits of the case, directs the petitioner to submit a copy of his representation along with a copy of this order to the first respondent, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the first respondent shall consider the same and pass appropriate orders, on its own merits and in accordance with law, after affording due opportunity of hearing to the petitioner as well as all the interested parties, if any, within a period of four weeks, thereafter.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Crl side)

/True Copy/

Sub Assistant Registrar

To

1.The Commissioner,
Hindu Religious and Endowment Board,
Chennai.

2.The Assistant Commissioner,
Hindu Religious and Endowment Board,
Rockfort, Tiruchirappalli.



3.The Executive Officer,
Hindu Religious and Endowment Board,
Sivankoil, Thuraiyur, Tiruchirappalli.

+1cc to M/S.S.Muthukrishnan, Advocate SR.No. 79896

W.P.(MD)No.17690 of 2017
and

W.M.P(MD)No.14227 of 2017
20.09.2017

gk

JM/SKN RSK/SAR 2/21.09.2017/3P/5C