



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

W.P(MD)Nos.19286 to 19288 of 2017

M.Kasiviswanathan .. Petitioner in all petitions

Vs.

1. The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Tirunelveli.

2. The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Madurai.

...Respondents 1 & 2 in all petitions

3.R.Arumugam ...3rd respondent in W.P.(MD)
No.19286 of 2017

PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to dispose of the O.A.4, 5 and 6 of 2014 filed by the petitioner under Section 63(b) of the Tamil Nadu Act 22 of 1959 in respect of Navarathiri Kattalai in Arulmigu Subramaniaswamy Temple, Tiruchendur, Soundarasabai Kattali attached to Arulmigu Nellaiappar Arultharum Gandhimathiamman Temple, Tirunelveli and Navarathiri Kattalai in Arulmigu Subramaniaswamy Temple, Tiruchendur, respectively within a frame fixed by this Court or in the alternative transfer the O.A.4, 5 and 6 of 2014 to the file of the second respondent and direct the 2nd respondent to dispose of the same within a time frame.

For Petitioner : Mr.S.Manohar (in all petitions)

For R1 and R2 : Mr.T.S.Mohamed Mohideen (in all petitions)
Additional Government Pleader.

ORDER

These writ petitions have been filed by the petitioner to issue a writ of Mandamus to direct the respondents to dispose of the O.A.Nos.4, 5 and 6 of 2014, within a stipulated time limit.



2.Heard both sides.

3.According to the petitioner, he was permitted to perform Navarathiri Kattalai in respect of Arulmigu Subramaniaswamy Temple, Tiruchendur and also Soundarasabai Kattalai in respect of Arulmigu Nellaiappar Temple, Tirunelveli and the same were objected by the third respondent in W.P.(MD)No.19286 of 2017, who is none other than the sister's son of the petitioner herein. Aggrieved by the same O.A.Nos.5 and 6 of 2014 were filed by the petitioner. Since the said applications were kept pending for a long time, the petitioner filed W.P.(MD)Nos.18857 and 18802 of 2015 for early disposal of O.A.Nos.5 and 6 of 2014 and this Court, by order dated 14.10.2015, directed the 1st respondent to dispose of the same within a period of six months but the same are said to be pending. The third respondent in W.P.(MD)No.19286 of 2017 had also filed O.A.No.4 of 2014 on the file of the first respondent and same is also pending. It is further submitted by the petitioner that since he is 88 years old and residing in Madurai, it is very difficult to go to Tirunelveli for every hearing and hence the O.A.Nos.4, 5 and 6 of 2014 may be transferred to the second respondent, as per Tamil Nadu Act 22 of 1959, who in turn may be directed to dispose of the same, within a stipulated time limit.

4.The learned Additional Government Pleader appearing for the respondents, on instructions, submitted that the said original applications would be disposed of by the first respondent, who is having the jurisdiction, within a stipulated time limit and if the case records are directed to be transferred to second respondent, it will cause further delay in disposal.

5.Considering the facts and circumstances, this Court, without going into the merits of the claim, directs the first respondent to dispose of the O.A.Nos.4, 5 and 6 of 2014, on merits and in accordance with law, after affording due opportunity of hearing to all the necessary parties, within a period of six weeks from the date of receipt of a copy of this order.

6.These writ petitions are disposed of as above. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Tirunelveli.



2. The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Madurai.

WEB COPY

+1cc to Mr.S.Manohar, Advocate Sr.No.83061
+1cc to The Spl.Government Pleader Sr.No.83014

GK

VB/GT/SAR2/03/11/2017/3P/5C

ORDER MADE IN
W.P (MD) Nos.19286 to 19288 of 2017
13.10.2017