



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.22028 of 2017

N.V.Nallusamy

... Petitioner

Vs.

1. The Joint Commissioner
HR & CE Department,
Trichy.

2. M.N.Nallan Ambalakarar

3. Muthusamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to complete the proceedings in O.A.No.9 of 2013 under Section 64(1) of the HR & CE Act pending before the first respondent.

For Petitioner

: Mr.E.Balasubramanian

For Respondent No.1

: Mr.M.Alagathevan,

Special Government Pleader

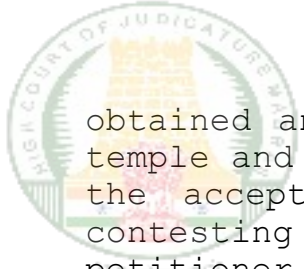
ORDER

This Writ petition has been filed seeking a direction to the first respondent to complete the proceedings in O.A.No.9 of 2013 under Section 64(1) of the HR & CE Act pending before the first respondent.

2. By consent, this Writ Petition itself is taken up for final disposal at the stage of admission itself.

3. Mr.M.Alagathevan, learned Special Government Pleader takes notice for the first respondent. Notice to the respondents 2 and 3 is dispensed with, as no adverse order is going to be passed against them.

4. The petitioner who is the Nattamai of the Oothukuli Village, is before this Court and according to him, he used to receive the honours from the subject mentioned Temple at the time of annual festivals. Whereas, the second respondent, behind his back,



obtained an order, as if he is the hereditary trustee of the said temple and thereafter, several suits came to be filed with regard to the acceptance of the honouring between the petitioner and the contesting respondents. In the mean while, according to the petitioner, the respondents 2 and 3 are involving in misappropriation of temple funds and aggrieved over the same, he has preferred a complaint before the first respondent and has also filed a petition in O.A.No.9 of 2013 under Section 64(1) of the HR & CE Act, seeking appointment of non-hereditary trustees for the temple in question and the same is kept pending without any action and hence, the petitioner is before this Court.

5. The learned Special Government Pleader for first Respondent would submit that if reasonable time is granted to the first respondent, the petition in O.A.No.9 of 2013 preferred by the petitioner will be considered and suitable orders be passed.

6. Considering the facts and circumstances of the case and also taking into account the limited scope of the relief sought for by the petitioner, this Court, without expressing any opinion on the merits of the matter, directs the first respondent to dispose of O.A.No.9 of 2013 filed by the petitioner, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner, respondents 2 and 3 as well as other interested parties, if any.

7. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

The Joint Commissioner
HR & CE Department,
Trichy.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 90710
+ 1 CC TO Mr.E.BALASUBRAMANIAN, ADVOCATE IN SR No. 90438

RM

TE/KP/SAR-2 : 15/12/2017 : 2P/4C

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

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