



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN****W.P (MD) No.23368 of 2017**

P. Murugan

... Petitioner

Vs.

1. The Commissioner,
Department of Hindu religious and
Charitable Endowments, Chennai.
2. The Joint Commissioner,
Department of Hindu Religious and
Charitable Endowments, Tirunelveli.
3. The Executive Officer,
Arulmigu Vilvavananathar Udanurai
Nithiyakalyani Amman Temple,
Kadayam, Tirunelveli.
4. The Thakkar/Inspector
Arulmigu Vilvavananathar Udanurai
Nithiyakalyani Amman Temple,
Kadayam, Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the respondents to take appropriate action under section 41 of Hindu Religious and charitable Endowments Act against service defaulters based on the representation dated 07.12.2017 and consequently direct the 3rd respondent to perform yearly and monthly Utsavams in the manner prescribed under ahamas.

For Petitioner	: Mr.M.Paramasivam
For Respondents 1 & 2	: Mr.M.Alagathevan, Special Government Pleader
For Respondent -3	: Mr.S.Chellapandian

ORDER

This writ petition has been filed, a writ of Mandamus directing the respondents to take appropriate action under section 41 of Hindu Religious and charitable Endowments Act against



service defaulters based on the representation dated 07.12.2017 and consequently direct the 3rd respondent to perform yearly and monthly Utsavams in the manner prescribed under ahamas.

2. Heard both sides.

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3. By consent, the writ petition is taken up for final disposal at the stage of admission itself.

4. The learned counsel for the petitioner would submit that some third parties had encroached the lands of Arulmigu Vilvavanathanar Udanurai Nithiyakalyani Amman Temple, situated at Kadayam, Tirunelveli and the revenue records were also changed in their names, due to which, the Poojas and other performances could not be conducted, in the said Temple. Hence, the petitioner orally represented several times and also sent a representation to the third respondent, requesting to take action to recover the lands of the said temple, encroached by the third parties.

5. The learned learned Counsel appearing for the third respondent, on instructions, submitted that the representation of the petitioner would be considered on merits within the time stipulated by this Court.

6. Considering the limited scope of the relief sought in this writ petition, this Court, without going into the merits of the case, directs the third respondent to consider the representation of the petitioner dated 01.07.2017, sent on 07.12.2017 and pass appropriate orders, on 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 six weeks from the date of receipt of a copy of this order.

7. The writ petition is disposed of as above. No costs.

Sd/-

Assistant Registrar (W)

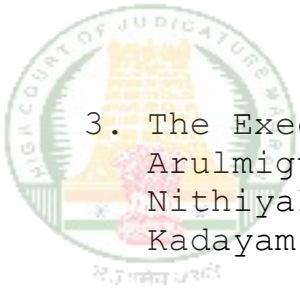
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Sub Assistant Registrar

To

1. The Commissioner,
Department of Hindu religious and
Charitable Endowments, Chennai.

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



3. The Executive Officer,
Arulmigu Vilvavanananathar Udanurai
Nithiyakalyani Amman Temple,
Kadayam, Tirunelveli.

4. The Thakkar/Inspector
Arulmigu Vilvavanananathar Udanurai
Nithiyakalyani Amman Temple,
Kadayam, Tirunelveli.

+ 1 cc TO Mr.m.paramasivam , Advocate in SR No. 94116
+ 1 cc TO The Special Government Pleader in SR No. 93842

dsk

AE/SV MMS/SAR1/10.01.2018/3P/7C

ORDER MADE IN
W.P(MD) No. 23368 of 2017
19.12.2017