



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 01.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.4232 of 2017

A.Muthukaruppan Padimathar

.. Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai.

2. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Uthamar Kovil, Trichy.

3. The Executive Officer,
Pudukkottai Thiru Kovilgal,
Perungaloor Arulmighu Malayamarungar and
Arulmikghu Urumanathar Thirukovil,
Perungaloor, Pudukkottai District.

4. D.Sethupathi Padimathar

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the second respondent herein to dispose the appeal dated 11.01.2017 filed by the petitioner within the time stipulated by this Court.

For Petitioner : Mr.B.Jameel Arasu

For Respondents 1 to 2

: Mr.M.Alagathevan

Special Government Pleader

For Respondent No.3

: Mr.G.Mathavan

ORDER

This writ petition is filed seeking a writ of Mandamus to direct the second respondent to dispose of the appeal dated 11.01.2017 filed by the petitioner, within the time stipulated by this Court.

2.The case of the petitioner is that he is the hereditary poojari of Arulmighu Malayamarungar and Arulmikghu Urumanathar Thirukovil, Perungaloor, Pudukkottai District and he is continuously holding the said post for the last so many decades and he has been discharging the poojas and other activities of the said temple. On his request, the third respondent appointed the fourth respondent as assistant and thereafter the fourth respondent resigned the said job. Thereafter, vide proceedings dated 05.05.2014, the third



respondent appointed the fourth respondent as Poojagar of the said temple. Since the fourth respondent is not belonging to Padimathar, the petitioner filed an appeal before second respondent on 11.01.2017 challenging the said appointment and the same is pending. Now the fourth respondent is causing obstructions in poojas, he seeks for early disposal of the appeal.

3. Heard both sides.

4. Considering the limited scope of the relief sought for, this Court, without going into the merits of the petitioner's claim, directs the second respondent to dispose of the appeal dated 11.01.2017 filed by the petitioner, after affording due opportunity of hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order, if it is not disposed of earlier. If any third party will be affected by the nature of the relief sought for by the petitioner or by any order to be passed, the authority shall hear such person to avoid the allegations of violation of principles of natural justice. It is made clear that this Court has not expressed any opinion on the merits of the case and the authority concerned is free to deal with the matter on its own merit as per law.

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

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Uthamar Kovil, Trichy.
3. The Executive Officer,
Pudukkottai Thiru Kovilgal,
Perungaloor Arulmighu Malayamarungar and
Arulmighu Urumanathar Thirukovil,
Perungaloor, Pudukkottai District.

+ 1 CC TO Mr.B.JAMEEL ARASU, ADVOCATE IN SR No. 69433

+ 1 CC TO Mr.G.MATHAVAN, ADVOCATE IN SR No. 70040

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 70185

SMN

TE/MR-KKR/SAR-IV : 11/08/2017 : 2P/7C

ORDER MADE IN
W.P (MD) No.4232 of 2017
01.08.2017