



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.10367 of 2013

S.Chinniah

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowment,
The Administration Department,
Nungambakkam,
Chennai - 34.

2.The Joint Commissioner,
O/o. Joint Commissioner,
Hindu Religious and Charitable Endowment,
Sivagangai.

3.AR.Muthuvairava Pattar

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondent Nos.1 and 2 to inspect the properties and Accounts and audit the Properties of the Jeyankondal Enra Poongundra Nayaki Amman Temple in Mahibalanpatti Taluk, Sivagangai District and recover the losses by taking surcharge proceedings against Respondent No.3 within the time fixed by this Court.

For Petitioner : Mr.T.Lajapathi Roy
For Respondents 1 & 2 : Mr.J.Gunaseelan Muthiah,
Government Advocate
For Respondent No.3 : Mr.J.Anandkumar

O R D E R

This Writ petition has been filed seeking a Writ of Mandamus to direct the Respondents 1 and 2 to inspect the properties and Accounts and audit the Properties of the Jeyankondal Enra Poongundra Nayaki Amman Temple in Mahibalanpatti Taluk, Sivagangai District and recover the losses by taking surcharge proceedings against the third Respondent.



3. The petitioner who is the worshipper and interested person of the subject mentioned Temple, is before this Court and according to him, he used to receive the first honour from the Temple. The third respondent is acting as the Managing Trustee of the said Temple for the past 10 years. In the mean while, according to the petitioner, the third respondent is involving in misappropriation of temple funds and aggrieved over the same, he has submitted a representation dated 09.05.2013 to the second respondent in this regard and as the same is kept pending, without any action, he is before this Court.

4. The learned Counsel appearing for the petitioner would submit that it would suffice, if the representation dated 09.05.2013 submitted by the petitioner may be directed to be considered by the second respondent, in a time bound manner.

5. 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 second respondent to pass appropriate orders on the representation of the petitioner dated 09.05.2013, in one way or the other, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner, third respondent as well as other interested parties, if any.

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

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To

1.The Commissioner, Hindu Religious and Charitable Endowment,
The Administration Department, Nungambakkam, Chennai - 34.

2.The Joint Commissioner, O/o. Joint Commissioner,
Hindu Religious and Charitable Endowment, Sivagangai.

+1CC to Mr.T.Lajapathi Roy, Advocate, SR.No. 91862

+1CC to Mr.T.Anand Kumar, Advocate, SR.No. 92293

+1CC to the Special Government Pleader SR.No.91964

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