

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 02.01.2018
CORAM
THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU
W.P.No.23807 of 2017
and
W.M.P.No.25033 of 2017

Arulmighu Mutheeswarar Thirukkoil
Vannargal Samuthaya Sangam,
Kanchipuram
Reg.No.138/2013 by its Secretary
Thiru.G.Ekambaram,
Having Registered Office at No.95,
Gandhi Road, Kanchipuram.

... Petitioner

versus

1. The Commissioner HR & CE Department
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai-600 034.

2. The Joint Commissioner
HR & CE Department
RTO Office Road, Sathuvachari,
Vellore - 632 009.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to appoint the nominated persons by the petitioner Sangam, by its resolution dated 01.05.2017 for the post of trustees of Arulmighu Mutheeswarar Thirukkoil at Kanchipuram as per the scheme order No.592 dated 19.11.1929 made in O.A.No.539 of 1929 on the file of the Board of Commissioners of the Hindu Religious Endowments, Madras.

For Petitioner : Mr.Y.Jyothish Chander

For Respondents: Mr.M.Maharaja

Special Government Pleader

ORDER

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

2. The petitioner is an Association and seeking for a direction to the respondents to appoint the nominated persons by the petitioner- Association through its resolution dated 01.05.2017, for the post of Trustees of Arulmighu Mutheeswarar Thirukoil at Kanchipuram, as per the scheme order No.592 dated

19.11.1929 made in O.A.No.530 of 1929.

3. It is seen that in respect of the said Temple namely Arulmighu Mutheeswarar Thirukoil at Kanchipuram, the petitioner Association claims that a scheme decree was passed on 19.11.1929 and as per the said scheme, the petitioner-Association is entitled to nominate the persons as trustees and accordingly they, by way of resolution dated 01.05.2017, nominated persons and that they are to be appointed as Trustees of the said Temple.

4. The grievance of the petitioner - Association is that though such nomination was made by resolution dated 01.05.2017, the respondents have not acted so far, thereby preventing the nominated persons to function as Trustees of the said Temple.

5. This Court, at this stage, is not expressing any view on the merits of the claim made by the petitioner-Association, as it is for the respondents to consider and pass appropriate orders on merits and in accordance with law, also by taking note of the claim made by the petitioner, based on the scheme order dated 19.11.1929. Since it is stated that the said resolution was passed as early as on 01.05.2017, the respondents shall pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of, accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner HR & CE Department
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai-600 034.

2. The Joint Commissioner
HR & CE Department
RTO Office Road, Sathuvachari,
Vellore - 632 009.

1cc to Mr.Y.Jyothis Chander, Advocate Sr.No.24
+1cc to Government Pleader sR.No.74

sm:8.1.2018

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