

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.2498 of 2018

Mr.K.Haranath Gupta
S/o.K.Venkata Narayana

.. Petitioner

Vs.

1.The Commissioner
H.R & C.E. Department
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai-600 034.

2.The Joint Commissioner
H.R & C.E. Department
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai-600 034.

3.Arulmigu Virupaksheeswarar Temple
Rep. by its Executive Officer
Mundakanniamman Street,
Mylapore, Chennai-600 004. ... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to consider petitioner's representation dated 05.10.2017 and permit the installation of 108 Shiva Lingas in the 3rd respondent Temple within the time frame fixed by this Hon'ble Court.

For Petitioner : Mr.K.Seetharam

For Respondents : Mr.M.Maharaja
Special Government Pleader

O R D E R

Mr.M.Maharaja, learned Special Government Pleader takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for a mandamus directing the respondents 1 and 2 to consider his representation dated 05.10.2017 and permit the installation of 108 Shiva Lingas in the third respondent Temple.

3. The case of the petitioner is as follows:-

The petitioner is a devotee of Lord Shiva and donated huge sum of money for conducting Kumba Abisekam of the third respondent Temple on 10.05.2016, with the approval of the Hindu Religious and Charitable Endowment Department. The petitioner has gathered 108 Siva Lingam from Narmadha River for the purpose of installing the same at the third respondent Temple. Therefore, he gave repeated representations to the HR & CE Department, for permitting such installation. The last of such representation was made on 05.10.2017. The petitioner is undertaking to bare all expenses relating to the installation, maintenance and daily poojas for the 108 Siva Lingas for 108 months i.e. 9 years and thereon. If there is a need, the petitioner shall engage a separate Archakar / Priest to maintain 108 Siva Lingas, on his own costs. The petitioner shall also pay a sum of Rs.3,000/- per month to the HR & CE Department for any incidental monthly expenses. There is no opposition from any person for installing these 108 Siva Lingas. The Official Sthabathi of the first respondent has approved the plan to install the 108 Siva Lingas way back by 2014 itself. However, the respondents 1 and 2, despite repeated representations, have not come forward to consider the request of the petitioner so far.

4. Mr.M.Maharaja, learned Special Government Pleader for the respondents submitted that the third respondent Temple is under the HR & CE Department control and therefore, the claim of the petitioner will be considered on its own merits and in accordance with law.

5. Upon hearing both sides and considering the respective plea of the parties and without expressing any view on the merits of the claim made by the petitioner, this writ petition is disposed of, only with a direction to the second respondent to consider the request of the petitioner and pass orders on the same, on its own merits taking into consideration of all the facts and circumstances as well as practical viability of the request made by the petitioner. Such an order will be passed by the second respondent, within a period of four weeks from the date of receipt of a copy of this order, after giving due opportunity of hearing to the petitioner. No costs.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.The Commissioner
H.R & C.E. Department
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai-600 034.

2.The Joint Commissioner
H.R & C.E. Department
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai-600 034.

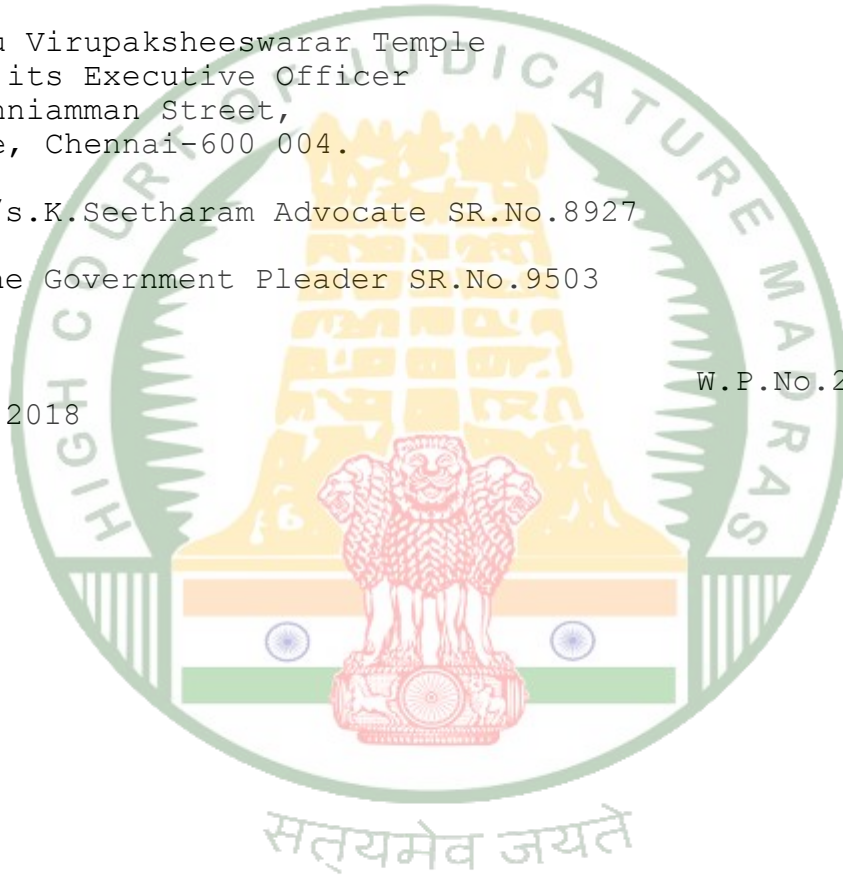
3.Arulmigu Virupaksheeswarar Temple
Rep. by its Executive Officer
Mundakanniamman Street,
Mylapore, Chennai-600 004.

+1cc to M/s.K.Seetharam Advocate SR.No.8927

+1cc to the Government Pleader SR.No.9503

SDR 19.02.2018

W.P.No.2498 of 2018



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