

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.PARTHIBAN

W.P.No.11452 of 2012

R.Prabamoorthy

... Petitioner

Vs

1.The Joint Commissioner,
H.R & C.E. Admn. Department, Salem-1.

2.The Assistant Commissioner,
H.R & C.E. Admn. Department,
Dharmapuri.

3.E.Narayana Reddy

4.D.Narayanamma

5.P.Venkatesh

.... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records in R.P.2/2009, on the file of the 1st respondent, dated 24.11.2011 and quash the same as illegal, incompetent and unconstitutional.

For Petitioner : Mr.V.Raghavachari

For Respondents: Mr.M.Maharaja,

Special Government Pleader for RR1 & 2

: Mr.Sriram for

M/s.A.S.Kailasam & Associates for RR 3-5

O R D E R

Heard Mr.V.Raghavachari, learned counsel for the petitioner and Mr.M.Maharaja, learned Special Government Pleader appearing for the first and second respondents and Mr.Sriram, learned counsel appearing for the respondent Nos.3 to 5.

2. The petitioner has approached this Court, seeking the following relief:-

"To issue a Writ of Certiorari, to call for the records in R.P.2/2009, on the file of the 1st respondent, dated 24.11.2011 and quash the same as illegal, incompetent and unconstitutional."

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

What is challenged in the present writ petition is the order passed by the authority, appointing the respondents 3 to 5 herein as a Trustee of the temple in question.

4. According to the learned counsel for the petitioner as well as for the respondents 1 and 2 that the appointment period was already over in 2012 itself. As regards the petitioner is concerned, an application was made under Section 63 of the HR & CE Act, for appointing him as Hereditary Trustee, which is pending before the first respondent. The learned counsel for the petitioner as well as the learned counsel for the first and second respondents would submit that the first respondent may be directed to dispose of the application pending before him, seeking appointment of the petitioner as Hereditary Trustee, within the stipulated time by this Court.

5. In view of the submissions of the learned counsel on either side, this Court directs the first respondent to dispose of the application said to have been made by the petitioner under Section 63 of the HR & CE Act, on merits and in accordance with law, within a period of ten weeks from the date of receipt of a copy of this order.

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

Sd/-
Deputy Registrar (CS-)

//True Copy//

Sub Assistant Registrar

gsk
To

1.The Joint Commissioner,
H.R & C.E. Admn. Department, Salem-1.

2.The Assistant Commissioner,
H.R & C.E. Admn. Department,
Dharmapuri.

+ 1 cc to Mr.V. Ragavachari, Advocate Sr.14686
+ 1 cc to Mr.A.S. Kailasam & Associates SR.14625
+ 1 cc to Government Pleader Sr.14603

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(Cs-dr)

EU (23/03/2018)

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