

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.17163 of 2018

B.Sivaramakrishnan

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Petitioner

-vs-

1. The Assistant Commissioner
Hindu Religious and Charitable
Endowments
Cuddalore
 2. The Inspector/Fit Person
Hindu Religious and Charitable
Endowments
Thittakudi, Cuddalore
 3. The Tahsildar
Thittakudi Taluk
Cuddalore District
- .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to grant permission to the petitioner to conduct the Aadi festival commencing from 27.07.2018 to 06.08.2018 in the Arulmigu Sri Ellaiamman Temple at Pennadam, Cuddalore District by considering the representation made by the petitioner on 10.05.2018 within a time frame as may be fixed by this Hon'ble Court.

For Petitioner :: Ms.Elizabeth Ravi

For Respondents :: Mr.M.Maharaja
Special Government Pleader

ORDER

The petitioner claims to be the hereditary trustee of Arulmigu Sri Ellaiamman Temple at Pennadam, Cuddalore District. The learned counsel for the petitioner submitted that Mr.B.Sivaramakrishnan has been looking after the administration of the said temple and also conducting the festivals on various dates. Even an order also has been passed in O.A.No.76 of 1969 by the Commissioner, Hindu Religious and Charitable Endowments Department on 3.4.71 declaring that except the descendants of the hereditary

trustee, namely, Bangaru Naicker, who is the ancestor of the petitioner herein, no one else can be appointed as trustee to the said temple. In the meanwhile, since one Ayothi Naidu and his brother approached the Commissioner of Hindu Religious and Charitable Endowments and obtained an order appointing them as trustees of the said temple in the year 1974, a suit in O.S.No.7 of 2016 was filed on the file of the learned District Munsif, Thittakudi seeking a declaration that the petitioner is the hereditary trustee of the temple with a consequential direction to the Commissioner to appoint the petitioner as the hereditary trustee of the said temple and the said suit is also pending. In the meanwhile, to conduct the annual festival, permission was sought for. That was not considered. Finally the petitioner came to this Court with Writ Petition No.16339 of 2017 seeking a mandamus directing the Assistant Commissioner, Hindu Religious and Charitable Endowments, Cuddalore, the first respondent herein to consider the representation dated 5.6.2017 and also to pass appropriate orders. This Court, considering the limited prayer, by its order dated 29.6.2017, directed the Assistant Commissioner, Hindu Religious and Charitable Endowments, Cuddalore, the first respondent therein to consider the representation dated 5.6.2017, based on which the last year festival was conducted. Similarly, the first respondent should allow the petitioner to conduct the festival, which has not been done. Therefore, a representation has been given and the same has not been considered. Hence, a direction be issued to the first respondent to consider the representation and do the needful, as it was permitted last year.

2. The learned Special Government Pleader for the respondents submitted that the pending representation will be considered and the practice followed last year will be followed this year also.

3. In view thereof, this Court hereby directs the first respondent to consider the pending representation of the petitioner and do the needful within a period of three days from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

ss

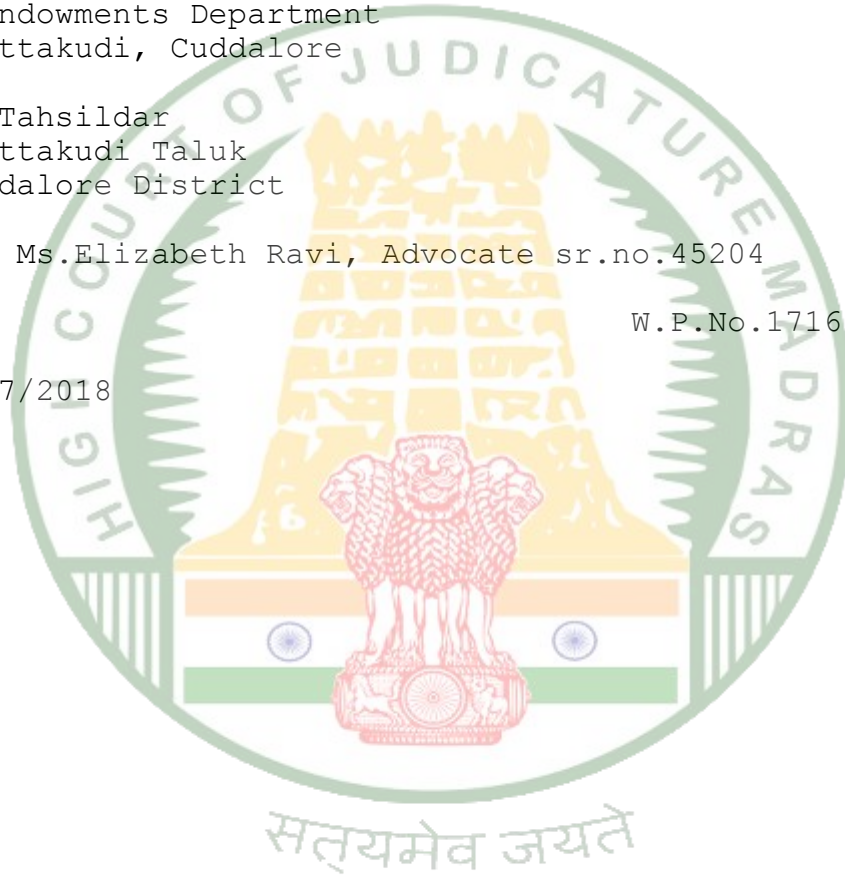
To

1. The Assistant Commissioner
Hindu Religious and Charitable
Endowments Department
Cuddalore
2. The Inspector/Fit Person
Hindu Religious and Charitable
Endowments Department
Thittakudi, Cuddalore
3. The Tahsildar
Thittakudi Taluk
Cuddalore District

+1cc to Ms.Elizabeth Ravi, Advocate sr.no.45204

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nr 12/07/2018



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