

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.PARTHIBAN

W.P.No.13410 of 2012

K.Rathnavel

... Petitioner

Vs

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

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Salem.

3.The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Salem.

4.The Thiruppani Committee,
Rep by its President,
Arulmighu Periya Mariamman Thirukoil,
Pudhupalayam,
Edappady Taluk,
Salem District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the first respondent to consider the petitioner's representation dated 18.02.2012, followed by reminder dated 21.04.2012 and pass appropriate and necessary orders on the same in accordance with law by getting a report from the 2nd respondent and after hearing all the parties concerned including the petitioner, regarding the petitioner's request to prevent the fourth respondent committee from continuing with any nature of renovation work in "Arulmighu Periya Mariamman Thirukoil situated at Pudhupalayam in Edappady Taluk, Salem Dist." and further prevent them from collecting funds from the villagers within a reasonable time to be fixed by this Court.

For Petitioner : Mr.T.Gandhi

For Respondents : Mr.M.Maharaja,
Special Government Pleader for
RR 1 to 3
: No appearance for R4

O R D E R

Heard Mr.T.Gandhi, learned counsel for the petitioner and Mr.M.Maharaja, learned Special Government Pleader appearing for the respondent Nos.1 to 3.

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

"To issue a Writ of Mandamus, to direct the first respondent to consider the petitioner's representation dated 18.02.2012, followed by reminder dated 21.04.2012 and pass appropriate and necessary orders on the same in accordance with law by getting a report from the 2nd respondent and after hearing all the parties concerned including the petitioner, regarding the petitioner's request to prevent the fourth respondent committee from continuing with any nature of renovation work in "Arulmighu Periya Mariamman Thirukoil situated at Pudhupalayam in Edappady Taluk, Salem Dist." and further prevent them from collecting funds from the villagers within a reasonable time to be fixed by this Court."

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

According to the petitioner, he is one of the devotees of the fourth respondent temple, situated at Pudhupalayam in Edappady Taluk, Salem District. The temple was being maintained by hereditary trustee Mr.Kandasamy. Since, the temple is in a dilapidated condition, the trustee made a request to the HR & CE Department for reconstruction, renovation and development of the temple. In response to the request, a committee was appointed for carrying out all the above said purpose.

4. Against the constitution of the committee by the second respondent, a revision petition was filed before the first respondent by one Sitthaiyan and six others. The revision petition was disposed of by the first respondent on 19.02.2010, by allowing the revision petition and directing the second respondent to immediately withdraw the funds allotted for the construction and renovation etc., of the fourth respondent temple.

5. While matter stood thus, without giving effect to the orders passed in the revision petition, the third respondent

appears to have passed an order on 22.08.2011, constituting a 11 members "Thiruppani Committee" for the fourth respondent temple, headed by one S.Dharmalingam as the President, for carrying out the necessary renovation work. Objecting to the constitution of the committee in violation of the order passed by the first respondent, the petitioner appears to have submitted a representation dated 18.02.2012, followed by a reminder on 21.04.2012 to the first respondent. But, the representations have not been disposed of till date.

6. When the matter was taken up for hearing, learned counsel for the HR & CE Department would submit that the first respondent may be directed to dispose of the representation within a time stipulated by this Court.

7. Considering the submissions made on behalf of the learned counsel on either sides, this Court disposes of the writ petition by directing the first respondent to pass orders on the representation said to have been made by the petitioner on 18.02.2012 and a reminder dated 21.04.2012, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

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

-sd/-
Assistant Registrar

True Copy

Sub-Assistant Registrar

gsk

To

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

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Salem.

3.The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department, Salem.

+1 C.C. to The Government Pleader, SR.NO. 11407

W.P.No.13410 of 2012

KS CO)

VS 07.03.2018



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