

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.19678 of 2018

1.V.P.Mahalingam
2.P.Iyanar
3.S.Sundarakumar
4.P.Elangovan

.. Petitioners

-vs-

1.The Joint Commissioner,
Hindu Religious Charitable Endowments,
Salem.

2.R.Srinivasan
3.R.Radhakrishnan
4.B.Gopalakrishnan
5.B.Selvakanthan

6.The Fit Person/
The Executive Officer,
Arulmighu Sidheswaraswamy Temple,
Kanjamalai, Salem District.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent to take up the application/unnumbered I.A. on file seeking impleading of the petitioners in O.A. No.2/2017 on his file and adjudicate the same on merits.

For Petitioners:: Ms.G.Sumitra

For Respondents:: Mr.M.Maharaja,
Special Government Pleader
for R1 and R6

ORDER

The petitioners have come to this Court seeking a direction to the respondent to take up the application/unnumbered I.A. impleading them in O.A. No.2/2017 on file and adjudicate the same on merits.

2.The petitioners claim to have filed O.A. No.19 of 2015 before the Joint Commissioner, Hindu Religious Charitable Endowments, Salem, the first respondent herein seeking declaration declaring that the office of the temples namely Arulmigu Mariamman, Chinna Mariamman, Chendraya Perumal and Angalamman are hereditary in nature. According to the petitioners, all the persons are entitled to worship and perform their offering in the temple and there is no discrimination on their caste or community. While so, the petitioners came to know that one R.Srinivasan and three others have filed O.A. No.2 of 2017 on the file of the first respondent seeking declaration of office as hereditary on them insofar as the temple Chendraya Perumal alone and therefore, the petitioners filed an application to implead themselves in the said O.A. But till date the first respondent has not taken up and numbered the same for adjudication. Therefore, the petitioners are before this Court.

3.Mr.M.Maharaja, learned Special Government Pleader appearing for respondents 1 and 6 would submit that if a direction may be given to the first respondent to consider the pending application filed by the petitioners in O.A. No.2 of 2017, he will consider and pass orders on merits, after giving notice to petitioners and respondents 2 to 5.

4.Considering the submission made by the learned Special Government Pleader appearing for respondents 1 and 6, this Court hereby directs the Joint Commissioner, the first respondent herein to consider the un-numbered application, after hearing both parties and dispose of the same, on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CCC)

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सत्यमेव जयते

Sub Assistant Registrar

vga

To

1.The Joint Commissioner,
Hindu Religious Charitable Endowments,
Salem.

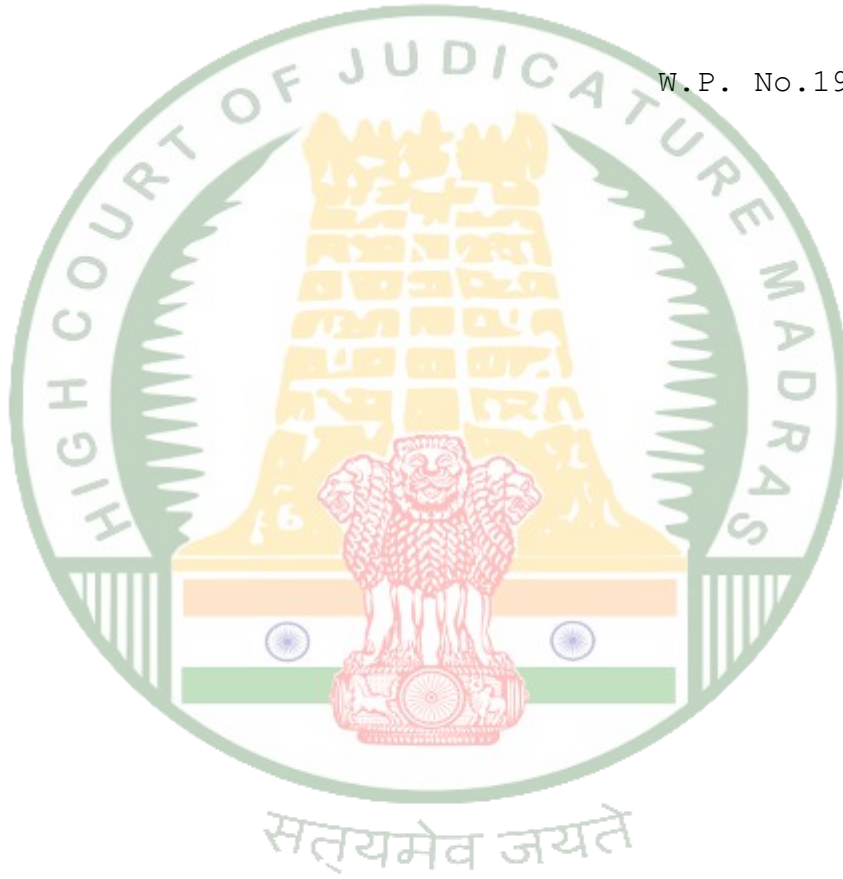
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2.The Fit Person/
The Executive Officer,
Arulmighu Sidheswaraswamy Temple,
Kanjamalai, Salem District.

+1cc to Mrs.G.Sumitra, Advocate SR.No.52647
+1cc to Government Pleader SR.No.53718

KSI (CO)
sm:28.8.2018

W.P. No.19678 of 2018



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