

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 19.12.2018

CORAM:
THE HON'BLE MR.JUSTICE V.BHARATHIDASAN
W.P.No.31608 of 2018

G.Jeevamoorthi

... Petitioner

/Vs/

- 1.The Commissioner,
HR and CE Department,
Nungambakkam, Nungambakkam, Chennai-34.
- 2.The Joint Commissioner,
HR and CE Department,
Nungambakkam, Nungambakkam, Chennai-34.
- 3.The Assistant Commissioner,
HR and CE Department,
Nungambakkam, Nungambakkam, Chennai-34.
- 4.The Inspector, Zone-6,
HR & CE Department,
Nungambakkam,
Chennai -34.
- 5.S.Sundaramoorthi Pillai,
Alleging hereditary trustee of
Sri Mannadeshwarar Sri Pachaimalaiamman
Thirukoil, North Thirumullaivoyal,
Chennai - 600 062.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation, dated 14.09.2018.

For Petitioner : A.Gouthaman

For Respondents : Mr.M.Maharaja
[Special Government Pleader(HR&CE)]

* * * *

O R D E R

The writ petition has been filed by the petitioner seeking for a direction to the respondents herein to consider the petitioner's representation, dated 14.09.2018.

2.The learned counsel for the respondents would submit that with regard to one Arulmighu Sri Mannadeshwarar Sri Patchaimalaiamman Temple situated at North Thirumullaivoyal, Thiruvallur District, there is a dispute regarding the hereditary right to conduct Pooja between 5th respondent and the petitioner's father late.Gajendiran Pillai, who was worked as Poojari of the aforesaid temple. Thereafter, the 5th respondent had filed a O.A.No.08 of 2006, before the 2nd respondent herein, to declare him as hereditary trustee of the said temple and the same was dismissed. Aggrieved over the said order passed by the 2nd respondent, the 5th respondent had filed an appeal before the 1st respondent herein in A.No.20 of 2009 and the same was also dismissed on 07.12.2009. Aggrieved over the order passed by the 1st respondent, the 5th respondent had filed a suit in O.S.No.349 of 2010, before Sub Court, Poonamallee and the same is pending. Now, the 5th respondent is threatening the petitioner to handover the keys and also to remove him from the post of Poojari of the said temple. Hence the petitioner made a representation to the 3rd respondent/The Assistant Commissioner to permit him to function as Poojari in the said temple, but the same was not considered by him, hence the present writ petition has been filed.

3. In view of the nature of the order going to be passed in the writ petition, which no way would prejudices the interest of the 5th respondent, notice to him is dispensed with.

4. Considering the limited prayer sought for in the writ petition, without going into the merits of the case, the 3rd respondent/The Assistant Commissioner is directed to consider the petitioner's representation, dated 14.09.2018 and pass appropriate orders on merits and in accordance with law, after giving an opportunity to the petitioner as well as the 5th respondent within a period of four weeks from the date of receipt of a copy of this order.

5.Accordingly, the Writ Petition is disposed of. No costs.

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Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

msm

To

1.The Commissioner,
HR & CE Department,
Nungambakkam, Chennai -34.

2.The Joint Commissioner,
HR & CE Department,
Nungambakkam, Chennai -34.

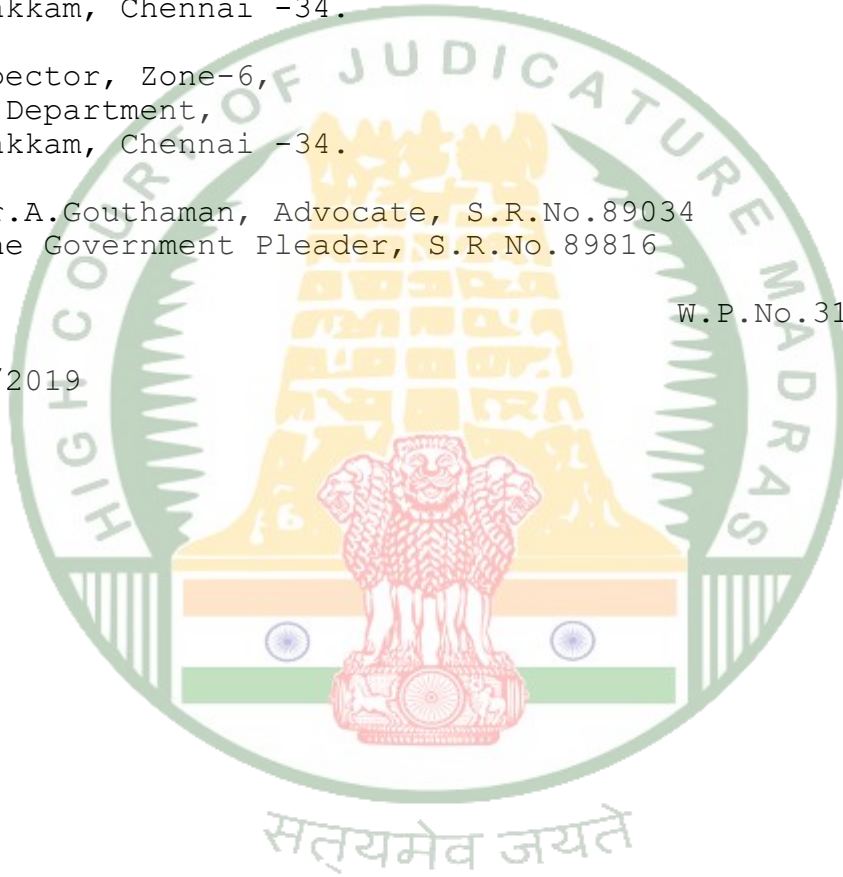
3.The Assistant Commissioner,
HR & CE Department,
Nungambakkam, Chennai -34.

4.The Inspector, Zone-6,
HR & CE Department,
Nungambakkam, Chennai -34.

+1cc to Mr.A.Gouthaman, Advocate, S.R.No.89034
+1cc to the Government Pleader, S.R.No.89816

W.P.No.31608 of 2018

rrs 11/02/2019



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