



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESHW.P.(MD) No.14258 of 2018

WEB COPY

Adhi.P.Palaniyappan

... Petitioner

vs.

1.The Commissioner
Hindu Religious & Charitable
Endowment Department
119, Uthamar Gandhi Salai
Nungambakkam, Chennai-34

2.The Joint Commissioner
Hindu Religious & Charitable
Endowment Department
Thiruvanaikovil
Neelagreeshwarar Thoppu
Tiruchirappalli-5

3.The Assistant Commissioner
Hindu Religious & Charitable
Endowment Department
Thiruvanaikovil
Neelagreeshwarar Thoppu
Tiruchirappalli-5

4.The Tahsildar
Taluk Office
Manapparai
Manapparai Taluk
Tiruchirappalli District-621 306

5.M.Kulanthai Vel Gounder

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to pass orders on the recommendation of the second respondent in proceedings Na.Ka.No.3855/2017/A3, dated 28.12.2017 to take over the administration of Arulmigu Mariamman Temple, Arulmigu Kalamman Temple, Muniyappan Temple, Vinayagar Temple, Sri Thekkamalai Temple, Sri Balathandayuthabani Samy Temple in Vairampatti, Vaiyampatti Village, Manapparai Taluk, Tiruchirappalli District, as per Hindu Religious and Charitable Endowment Act, within a stipulated time.

For Petitioner : Mr.AN.Ramanathan

For Respondents : Mr.V.Anand

**ORDER**

Mr.V.Anand, learned Government Advocate, takes notice for the respondents 1 to 4. Notice to the fifth respondent is dispensed with in view of nature of the order to be passed by this Court.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. It is the grievance of the petitioner that though the second respondent made a recommendation with regard to taking over the administration of Arulmigu Mariamman Temple, Arulmigu Kaliyamman Temple, Muniyappan Temple, Vinayagar Temple, Sri Thekkamalai Temple, Sri Balathandayuthabani Samy Temple in Vairampatti, Vaiyampatti Village, Manapparai Taluk, Tiruchirappalli District, as per Hindu Religious and Charitable Endowment Act as early as on 28.12.2017, till date the first respondent has not passed any orders on the said recommendation and therefore, he has filed the present writ petition.

4. This Court has not expressed any of its view with regard to the merits of the case. It is needless to point out that whenever a recommendation of this nature is made, the superior authority is duty bound to consider the same in one way or the other. Non-consideration of the same would amount to dereliction of ordinary duties of their office and as such, this Court would be justified in invoking its powers conferred under Article 226 of the Constitution of India to direct them to pass final orders on the recommendation made by the second respondent.

5. In view of the limited prayer sought for in this writ petition, there shall be a direction to the first respondent to pass final orders on the recommendation of the second respondent vide Na.Ka.No.3855/2017/A3, dated 28.12.2017 on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order. Such an exercise shall be done after giving due opportunity to the petitioner as well as to the persons who may be interested in the subject matter.

6. With the above directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To:

1.The Commissioner,
Hindu Religious & Charitable
Endowment Department,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai-34.



2.The Joint Commissioner,
Hindu Religious & Charitable
Endowment Department,
Thiruvanaikovil, Neelagreeshwarar Thoppu,
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4.The Tahsildar,
Taluk Office, Manapparai,
Manapparai Taluk,
Tiruchirappalli District-621 306.

+1CC to Mr.AN.Ramanathan Advocate in SR.No.71237.

KRK

DS/RSK/SAR-2 : 16.07.2018: 3P/6C

W.P. (MD) No.14258 of 2018
04.07.2018