

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 12.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

WP.No.31251 of 2004
and
WP.MP.Nos.37863 & 37864 of 2004

M.Manikandan

...Petitioner

Vs

1.The Special Commissioner & Commissioner
Hindu Religious & Charitable
Endowment Department,
Nungambakkam,
Chennai 600 034.

2.The Assistant Commissioner,
Hindu Religious & Charitable
Endowment Department,
Nungambakkam,
Chennai 600 034.

3.Damodaran

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondents 1 and 2 to extend the provisions of the Tamil Nadu Hindu Religious & Charitable Endowment Act 1959 to A/m Sri Balamurugan Temple, Easwaran Koil Street, Porur, Chennai 600 116.

For Petitioner : M/s.A.S.Kailasam & Associates

For Respondents: Mr.M.Venkadesh Kumar, GA (HR & CE)
for R1 and R2

Mr.T.N.Rajagopal for R3

O R D E R

The 3rd respondent herein had filed an application in O.A.No.2 of 1988 before the Deputy Commissioner of HR & CE under Section 63(b) of the Tamil Nadu Hindu Religious & Charitable Endowment Act, 1959, seeking to declare him as the Hereditary

Trustee of Sri Balamurugan Temple in Easwaran Koil Street, Porur, within the meaning of Section 63(b) of the Act.

2.The petitioner herein had filed the present writ petition seeking for a Writ of Mandamus to the respondents 1 and 2 to extend the provisions of the Tamil Nadu HR & CE Act, 1959 to A/m Sri Balamurugan Temple. The issue as to whether the provisions of HR & CE Act could be extended to the temple or not would revolve around the decision to be taken by the Deputy Commissioner of HR & CE in the Original Application No.2 of 1988.

3.When the matter was listed before this Court on two earlier occasions, it came to be adjourned for obtaining instructions as to the status of the application pending before the Deputy Commissioner. Today, when the matter was called, both the counsels have expressed that they do not have instructions with regard to the status of the proceedings in OA.No.2 of 1988. Since the writ petition is pending from 2004 onwards, no useful purpose would be served by adjourning the matter further.

4.In the light of the above observations, it is hereby made clear that in case the application in O.A.No.2 of 1988 is still pending before the Deputy Commissioner of HR & CE, the proceedings shall be completed within a period of 3 months from the date of receipt of copy of this order. In case the proceedings have already been concluded, the status of the parties will be determined on the basis of the findings made in the said order.

5.With the above observations the Writ Petition stands closed. No costs. Consequently, connected Miscellaneous Petitions are closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

jrs/hvk

To

1.The Special Commissioner & Commissioner
Hindu Religious & Charitable
Endowment Department,
Nungambakkam
Chennai 600 034

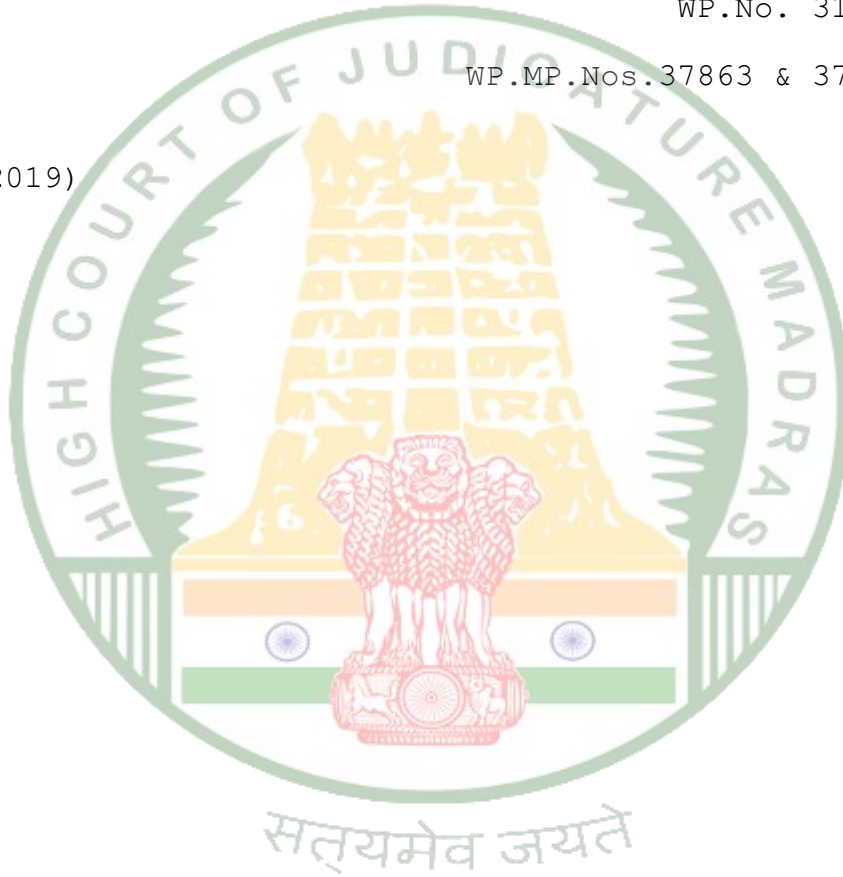
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2.The Assistant Commissioner,
Hindu Religious & Charitable
Endowment Department,
Nungambakkam
Chennai 600 034

+1 CC to Mr.A.S. Kailasam & Associates sr 23332.
+1 CC to Govt. Pleader sr 25423.

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and
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GJ(CO)
SP(22/04/2019)



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