

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2019

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.23878 of 2018

and

W.M.P.Nos.27834 & 27835 of 2018

S.Venkatesan

... Petitioner

Vs.

1. The Commissioner,
HR & CE Department,
Nungambakkam,
Chennai - 600 034.

2. Assistant Commissioner,
HR & CE Department,
Nungambakkam,
Chennai - 600 034.

3. The Executive Officer,
Arulmighu Selva Vinayagar & Kothandaraman
Thirukoil, West Tambaram,
Chennai - 600 045.

...Respondents

Prayer:Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the second respondent herien in R.C.No.0051/2018 dated 28.06.2018 and quash the same and consequently direct the respondents to permit the petitioner to continue to act as hereditary Trustee of the Temple Shree Dharmasastha Ayyappansami, Thirukoil, Peerkakaranai, Chennai-63.

For Petitioner : Mr.R.S.Anandan

For Respondent : Mr.M.Maharaja
Special Government Pleader (HR&CE)

O R D E R

This Writ Petition is filed challenging the order dated 28.06.2018 issued by the 2nd respondent, wherein and whereby, the Ayyappan Temple situated at Peerkakaranai was directed to be merged with Arulmigu Soorathamman Temple, Peerkakaranai.

2. The grievance of the petitioner, who claims to be the Trustee and Administrator of the Ayyappan Temple, is that the impugned order was issued without notice to the petitioner and also without serving such order on him.

3. Learned Special Government Pleader appearing for the respondents on the other hand, submitted that the very same petitioner filed an appeal before the Commissioner on 28.08.2018 challenging the impugned merger order and the said appeal is still pending. Therefore, he submitted that the Commissioner may be directed to dispose of the appeal on merits and in accordance with law.

4. Considering the above stated facts and circumstances, this Writ Petition is disposed of without expressing any view on the merits of the matter only with the following directions.

a) The 2nd respondent shall serve a copy of the impugned merger order to the petitioner within a period of two weeks from the date of receipt of a copy of this order.

b) The petitioner shall file additional grounds, if any, before the 1st respondent to be tagged along with the Appeal already filed by him on 28.08.2018. Such additional grounds shall be filed within a period of two weeks from the date of receipt of a copy of the impugned merger order from the 2nd respondent.

c) On receipt of the additional grounds, the 1st respondent shall dispose of the appeal after hearing the petitioner and other interested parties, if any, on merits and in accordance with law within a period of three weeks thereafter.

d) Till an order is passed by the Commissioner, status quo as on today shall be maintained by all the parties.

No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Commissioner,
HR & CE Department,
Nungambakkam,
Chennai - 600 034.

2. Assistant Commissioner,
HR & CE Department,
Nungambakkam,
Chennai - 600 034.

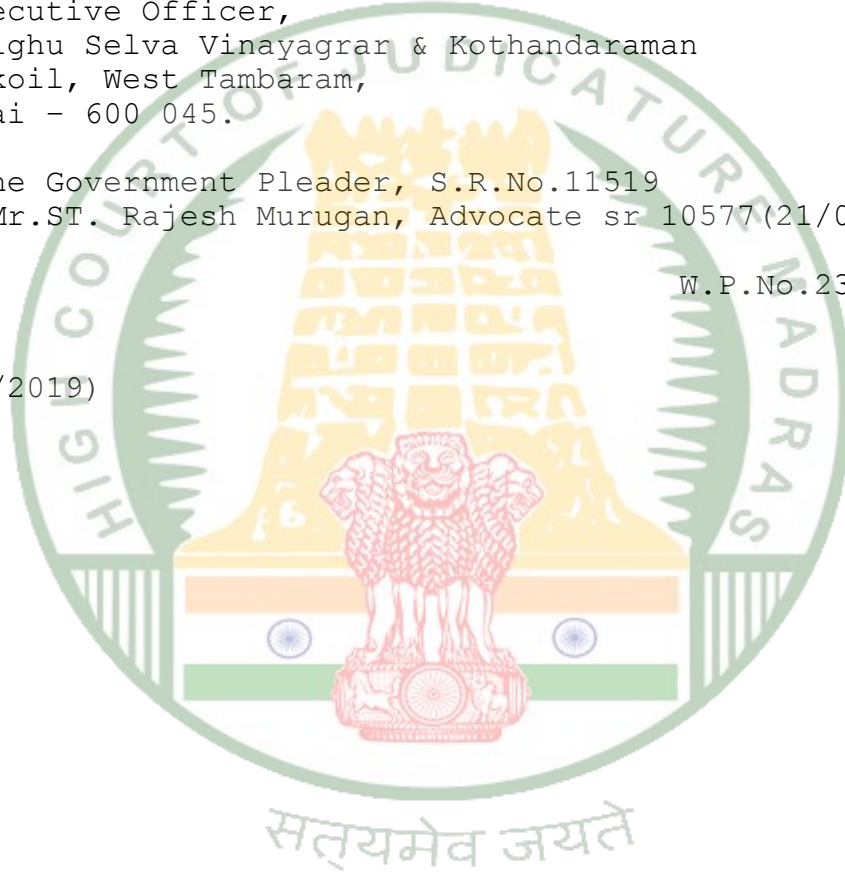
3. The Executive Officer,
Arulmighu Selva Vinayagar & Kothandaraman
Thirukoil, West Tambaram,
Chennai - 600 045.

+1cc to the Government Pleader, S.R.No.11519

+1 CC to Mr.ST. Rajesh Murugan, Advocate sr 10577(21/03/2019)

W.P.No.23878 of 2018

RR(CO)
GSP(26/02/2019)



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