

2IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.32189/2019

N.Balasubramani

.. Petitioner

Versus

1. The Commissioner
Hindu Religious and
Charitable Endowments Department
Uthamar Gandhi Salai,
Nungambakkam, Chennai 600 034.
2. The Joint Commissioner
Hindu Religious and Charitable Endowment
Department, Kottaimariamman Temple
Salem 636 001.
3. The Assistant Commissioner
Hindu Religious and Charitable Endowment,
Near Anjaneyar Temple,
Namakkal 637 001.
4. The Executive Officer
Arulmighu Kandasamy Thirukkoil
Kalipatty,
Namakkal District. 637 503.
5. The Inspector,
Hindu Religious & Charitable Endowment,
Sri Kailasanathara Thirukkoil
Rasipuram 637 408.

5.Thambi @ Rangasamy

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 4th respondent to take charge of Arulmighu Vinayagar, Mariamman, Karuppanar and Muniappan Thirukkoil situated at

Kottapalayam Post, Mallasamudram [via], Tiruchengode Taluk in spite of his appointment by the 3rd respondent in letter No.Che.Mu.Nada.Na.Ka.No.3129/2019/A6 dated 03.09.2019 pursuant to the representation of the petitioner dated 15.10.2019.

For Petitioner : Mr.G.Anbalagan
For RR 1, 3 to 5: Mr.M.Maharaja,Spl.GP[HR&CE]

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

- (1)By consent, the writ petition is taken up for final disposal. Mr.M.Maharaja, learned Special Government Pleader [HR&CE] accepts notice on behalf of respondents 1 , 3 to 5.
- (2)The petitioner claims to be the worshipper of Arulmighu Vinayagar, Mariamman, Karuppanar and Muniappan Thirukkoil situate at Kottapalayam Post, Mallasamudram [via], Tiruchengode Taluk, Namakkal District and according to him, the 3rd respondent, vide proceedings dated 03.09.2019 in Che.Mu.Nada.Na.Ka.No.3129/2019/A6, has appointed the 4th respondent as the Fit Person and though two months had lapsed, the said official is yet to take charge.
- (3)The learned counsel for the petitioner would submit that the 6th respondent claims to be the person in-charge of the temple, continues to misappropriate the income and the property of the temple and in this regard, the petitioner along with one Ramakrishnan, had submitted a representation dated 15.10.2019 to the 1st respondent and despite receipt and acknowledgment, no action has been taken to implement the proceedings of the 3rd respondent dated 03.09.2019 and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.
- (4)This Court heard the submissions of Mr.M.Maharaja, learned Special Government Pleader [HR&CE] appearing for respondents 1 , 3 to 5 and also perused the materials placed before it.
- (5)This Court, taking into consideration, the facts and circumstances of the case, directs the 1st respondent to call for a Report from the respondents 3 and 4 and depending upon the contents of the same, shall take appropriate action in accordance with law on the representation of the petitioner dated 15.10.2019 within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the 6th respondent herein.

(6)The writ petition stands disposed of accordingly. No costs.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

AP

To

1. The Commissioner
Hindu Religious and
Charitable Endowments Department
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 2. The Joint Commissioner
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Arulmighu Kandasamy Thirukkoil
Kalipatty, Namakkal District. 637 503.
 5. The Inspector,
Hindu Religious & Charitable Endowment,
Sri Kailasanathara Thirukkoil, Rasipuram 637 408.
- +1 CC to Mr.G.Anbalagan, Advocate sr 95646
+1 CC to The Spl. Govt. Pleader sr 96187

WP.No.32189 of 2019

VBA(CO)
SP(28/11/2019)

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