

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.30499 of 2018

Mr.Kasthuriraju

.. Petitioner

Vs.

1.The Government of Tamil Nadu
Rep. by its Secretary
Hindu Religious and Charitable Endowment
Department, Fort St.George,
Chennai - 600 009.

2.The Commissioner
Hindu Religious and Charitable Endowment
Department, Uttamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.

3.The Joint Commissioner,
Hindu Religious and Charitable Endowment
Department, Uttamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, issuance of a Writ of Mandamus, directing the respondents to take action against the trustees and protect temple properties of Arulmigu Arkeeswarar Thirukkiol, Pammal, Chennai - 600 075.

For Petitioner : Mr.V.Chandrakanthan

For Respondents: Mr.M.Maharajan,
Special Government Pleader,
(HR & CE).

O R D E R

(Order of this Court was made by S.MANIKUMAR, J.)

Mr.Kasthuriraju, claiming himself to be a public interest litigant, has sought for a Writ of Mandamus, directing the respondents to take action against the trustees and protect the temple properties of Arulmigu Arkeeswarar Thirukkiol, Pammal, Chennai.

2. The petitioner is a devotee of the temple. The Arulmigu Arkeeswarar Thirukkoil, Pammal, Chennai, was having 48 acres of land and also other properties. The hereditary trustee has illegally sold the properties of the temple and now only 12 acres are available. The hereditary trustees misappropriated the funds of the temple and used the sale consideration for the personal benefits.

3. On 28.04.1998, the Commissioner, Hindu Religious and Charitable Endowment Department, Chennai/second respondent herein, has passed an order, appointing an Executive Officer, to have possession of the properties. However no steps were taken by the respondents.

4. The devotees made a number of complaints against hereditary trustees for not properly accounting the income from the hundies and the misbehaviour of the trustees. The trustees failed to issue rental receipts to the tenants and collected lakhs of rupees as rent without accounting the same. Mr.Anandan, the then trustee along with his sons Mr.A.Thanikachalam and Mr.A.Vinayagam, sold various properties illegally as if the said properties are personally belonging to them.

5. After the death of Anandan on 28.09.2015, his sons Mr.A.Thanikachalam and Mr.A.Vijayagam operated the bank account which stands in the name of Arulmigu Arkeeswarar Thirukkoil, Pammal, Chennai, by forging the signature of Mr.Anandan and withdrawn a sum of Rs.4,00,000/- from the account in REPCO Bank Limited. Bank has preferred a criminal complaint against Mr.A.Thanikachalam and Mr.A.Vinayagam before S6 Shankar Nagar Police Station. The archagars also preferred a complaint against the hereditary trustee.

6. In pursuant to the order of this Court in W.P.No.16091 of 2017, dated 27.06.2017, the Joint Commissioner has passed an order against Mr.V.Palanivel stating that action will be initiated under Section 53(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, and no steps were taken till date. The respondents failed to protect the property owned by the abovesaid temple. Hence, the petitioner has filed the instant writ petition, for the relief stated supra.

7. On this day, when the matter came up for hearing, Mr.V.Chandrakanthan, learned counsel for the petitioner, seeks permission of this Court, to withdraw the instant writ petition. He has also made an endorsement to that effect.

8. Placing on record the above, the writ petition is dismissed as withdrawn. No Costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

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Hindu Religious and Charitable Endowment
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Chennai - 600 009.

2.The Commissioner
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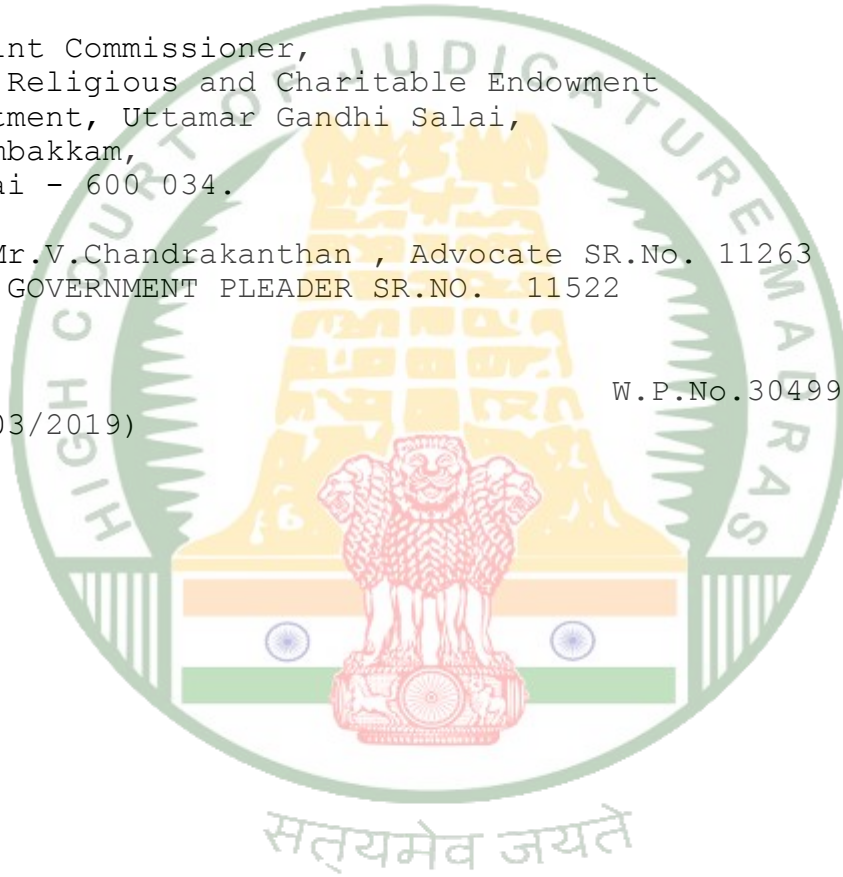
3.The Joint Commissioner,
Hindu Religious and Charitable Endowment
Department, Uttamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.

+1cc to Mr.V.Chandrakanthan , Advocate SR.No. 11263

+1 CC TO GOVERNMENT PLEADER SR.NO. 11522

W.P.No.30499 of 2018

A.SK(19/03/2019)



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