



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **25.11.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **M.GOVINDARAJ**

W.P. (MD)No.25020 of 2019

and

W.M.P. (MD)No.21605 of 2019

WEB COPY

1.G.Anbalagan
2.Elango @ Chinnathambi : Petitioners

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments
Department, Uthamar Gandhi Salai,
Nungambakkam, Chennai-34.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Thanjavur.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to pass appropriate orders in the light of the decree and judgment that was passed in O.S.No.35 of 1982 on the file of the Sub Court at Pattukottai, dated 28.06.1983 and on the basis of the representations sent by the petitioners dated 19.10.2019 and 15.11.2019, within the time stipulated by this Court.

For Petitioners : Mr.V.K.Vijayaragavan
For Respondents : Mr.VR.Shanmuganathan,
Special Government Pleader

ORDER

The prayer in the Writ Petition is for a Writ of Mandamus, directing the respondents to pass appropriate orders, in the light of the decree and judgment that was passed in O.S.No.35 of 1982 on the file of the Sub Court at Pattukottai, dated 28.06.1983 and on the basis of the representations sent by the petitioners dated 19.10.2019 and 15.11.2019, within the time stipulated by this Court.

2. Mr.VR.Shanmuganathan, learned Special Government Pleader, takes notice on behalf of the respondents.



3. By consent, the Writ Petition is taken up for final disposal at the stage of admission itself.

4. In a suit in O.S.No.35 of 1982 on the file of the Sub Court, Pattukkottai, a decree was issued on 28.06.1983, wherein the Commissioner was directed to make amendments to the Scheme framed in O.A.No.234 of 1948, dated 22.02.1949 that,

(i) the rights of the plaintiffs to be in management of the suit temple as hereditary trustees;

(ii) the right of plaintiffs to serve as hereditary trustees along with the other non-hereditary trustees and Executive officer;

(iii) the duties and other matters relating to the functioning of hereditary trustees;

(iv) and other connected matters, if any, for the proper administration of the suit temple, within a period of four months from the date of the decree.

The decree was challenged before the higher forum and the Hon'ble Supreme Court in S.L.P.(Civil) CC.No.7065 of 2001, dated 08.10.2001, confirmed the findings of the Trial Court. Till date, the decree has not been implemented. For that purpose, the petitioners made a representation on 19.10.2019, followed by a reminder dated 15.11.2019. Those representations are also kept pending. Aggrieved over the same, the petitioners are before this Court.

5. It is well settled that when a decree is passed, the respondents are bound to implement the same fully. They cannot keep it in cold storage. Insofar as the present case is concerned, non-hereditary trustee was not appointed as per the decree. Aggrieved over the same, the petitioners made a representation on 19.10.2019, followed by another representation dated 15.11.2019.

6. Considering the facts and circumstances, without going into the merits of the case, a direction is given to the respondents to consider the representations of the petitioners dated 19.10.2019 and 15.11.2019 and pass orders on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

7. The Writ Petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

/ True Copy /

Sub Assistant Registrar(CS-III)



To

1.The Commissioner,
Hindu Religious and Charitable Endowments
Department, Uthamar Gandhi Salai,
Nungambakkam,
Chennai-34.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Thanjavur.

+1cc to Mr.V.K.Vijaya Ragavan, Advocate, SR.NO.20468

Order made in
W.P. (MD)No.25020 of 2019
Dated: 25.11.2019

SML
ES/SAR 3/29.11.2019/3P/4C