



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.01.2020

CORAM

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN
W.P.No.997 of 2020

N.Palani Naicker

... Petitioner

Vs

- 1 The Principal Secretary/
Commissioner,
HR and CE Department,
Uthamar Gandhi Salai,
Nungambakkam, Chennai-34.
- 2 The Joint Commissioner,
HR and CE Department, Vellore.
- 3 The Assistant Commissioner,
HR and CE Department, Kancheepuram.
- 4 The Executive Officer
A/M. Sri Mari Chinnamman Thirukkoil
Alanvandar Arakattalai,
Mamallapuram, Chengalput District
- 5 Kuppusamy
- 6 Seshadri

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent herein to enquire and pass order in the petitioner representation dated 6.1.2020 submitted by him in accordance with law and within a stipulated period.

For Petitioner : Mr.K.Govi Kanesan

For Respondent : Mr. M. Karthikeyan, Spl. G.P.

ORDER

- 1.This Writ Petition has been been filed by the petitioner, in the nature of Mandamus seeking a direction to the second respondent namely Joint Secretary, HR&CE department, Vellore which authority is actually the Joint Commissioner, HR& CE, Vellore to dispose of the representation of the petitioner



dated 06.01.2020.

2. The writ petition is concerned with a Temple at Cheyyar Taluk, Chengalpattu District in Kadumbadi village namely Arulmigu Mari Chinna Amman Temple. Further, Arulmigu Vinayagar and Arulmigu Pidari Asali Amman Temples are also attached to the said temple. It is stated that all the three temples were functioning under one unit.
3. Without going into details, it is seen that there were objections among the community people against the trustees who were functioning for a period of one year on a rotation basis.
4. It is mentioned by the learned counsel for the petitioner namely that this present branch of trustees have been acting as trustees for a number of years though a rotation system had been followed. The learned counsel referred to a petition filed under Section 63 (b) of the HR & CE Act 1959, in O.A.No.85 of 2010, wherein the Deputy Commissioner of HR & CE had stated regarding the common arrangement being followed for exercising trusteeship by each branch. Further, a suit had also been filed by one of the Branch members, namely, Thiru K.N.Kuppusamy in O.S.50 of 2006 before the District Magistrate Court, Thirukahukundram which was disposed of and as against which A.S.No.11 of 2010 was filed and which came for consideration before the Principal Sub Judge, Chengalpattu, wherein an exclusive arrangement had been negatived by the Courts. These facts are mentioned by the learned counsel to show that common arrangement of the three branches to exercise trusteeship by rotation basis has been in existence. It is claimed that the present petitioner/its branch should take over the trusteeship for the present year. However, the respondents who had been impleaded as R5 and R6 and who were the trustees in the previous years, have restrained the petitioner from entering into office and had also failed to hand over charge to the present petitioner/ branch members. This necessitated the petitioner to give a representation to the second respondent who is actually the Joint Commissioner, HR&CE, Vellore on 06.01.2020. However, till date no order has been passed on the representation. This representation was addressed to the Commissioner of HR&CE and it is stated by the learned counsel that the representation has been forwarded to the Joint Commissioner, Vellore. Since the matter has to be dealt with only by the Joint Commissioner at Vellore, a mandamus is issued directing the said official to examine the representation and issue notice to the petitioner and to the 5th and 6th respondents and any other stake holder, as is deemed necessary and invite them for consultation and thereafter direct them to produce documents in support of their respective stands and thereafter, pass appropriate order with reasons and in accordance with procedure on or before 28.02.2020.
5. The petitioner may also be well advised to give a fresh copy



of the representation directly to the second respondent, namely the Joint Commissioner, HR & CE, Vellore so that he can take further steps at the earliest. The petitioner shall give a copy of the earlier representation on or before 29.01.2020.

6. With the above observation, this Writ Petition is disposed of.
No Costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

jrs

To

1 The District Magistrate Court, Thirukahukundram.

2. The Principal Subordinate Judge, chengalpattu

3. The Principal Secretary/
Commissioner,
HR and CE Department,
Uthamar Gandhi Salai,
Nungambakkam, Chennai-34.

4. The Joint Commissioner,
HR and CE Department, Vellore.

5 The Assistant Commissioner,
HR and CE Department, Kancheepuram.

6 The Executive Officer
A/M. Sri Mari Chinnamman Thirukkoil
Alanvandar Arakattalai,
Mamallapuram, Chengalput District

+1cc to Mr.K.Govi Ganesan, Advocate SR.No. 4015

+1 cc to Government Pleader Sr.No. 4300

WP.No.997 of 2020

A.SK(23/01/2020)