

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2020

C O R A M
THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE
W.P.No.26868 of 2012

Kamala Ganapathy Subramaniam ... Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable
Endowment Department, Nungambakkam,
Chennai .
- 2.The Additional Commissioner,
Head Quarters, Hindu Religious and Charitable
Endowment Department, Nungambakkam,
Chennai .
- 3.The Joint Commissioner,
Head Quarters, Hindu Religious and Charitable
Endowment Department, Nungambakkam,
Chennai .
- 4.The Executive Officer/Fit Person,
Arulmigu Edumban Thirukoil,
Sivagiripatti,
Palani. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the first respondent to consider and pass order on merits by disposing the written representation made by the petitioner on 11.03.2011 within a stipulated time.

For Petitioner : Mr.C.Prakasam
For Respondents : Mr.R.Venkatesan,
Government Advocate

ORDER

This writ petition has been filed for a mandamus to direct the first respondent to consider the representation of the petitioner dated 11.03.2011 within a stipulated time fixed by this Court.

2. It is the case of the petitioner that she is the absolute owner of the lands measuring 8.80 acres at Palani and after the demise of her husband, she is living as a single person. According to her, she offered to donate the aforesaid lands for charitable objects to the respondents. It is her case that eventhough the offer was given in the year 2007, the respondents did not accept the offer and did not do any charitable work utilising the petitioner's properties at Palani. According to her, only on 04.02.2011, the respondents accepted the offer of the petitioner by their communication. According to her, after the receipt of the said communication dated 04.02.2011, the petitioner sent a representation dated 11.03.2011 to the respondents informing that she is taking back her offer given on 09.11.2007 to donate her properties at Palani, since the respondents have not taken any concrete steps, pursuant to the said offer for utilisation of the properties for charitable objects. It is the case of the petitioner that despite the representation made by her on 11.03.2011, the respondents have not considered the said representation on merits and in accordance with law. In such circumstances, this writ petition has been filed.

3. Heard Mr.C.Prakasam, learned counsel for the petitioner and Mr. R.Venkatesan, learned Government Advocate for the respondents.

4. Admittedly, a representation was given by the petitioner on 11.03.2011 wherein she has expressed her desire to take back the offer given by her on 09.11.2007 to donate her properties at Palani measuring 8.80 acres to the respondents for charitable objects. It is also her case, as seen from her representation that the respondents have not accepted her offer immediately in the year 2007 itself but only by way of their communication dated 04.02.2011, they have accepted the offer. According to her, till date, the respondents have also not utilised the properties as desired by her for charitable objects.

5. Considering all these factors, this Court is of the considered view that no prejudice will be caused to the respondents if the representation of the petitioner dated 11.03.2011 is considered by the respondents on merits and in accordance with law.

6. For the foregoing reasons, this Court directs the first respondent to consider the representation of the petitioner dated 11.03.2011 wherein she has expressed her desire to take back her offer given on 09.11.2007 to the respondents to donate

her properties at Palani measuring 8.80 acres and pass final orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this Order. Accordingly, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

nl

To

- 1.The Commissioner,
Hindu Religious and Charitable
Endowment Department, Nungambakkam,
Chennai .
- 2.The Additional Commissioner,
Head Quarters, Hindu Religious and Charitable
Endowment Department, Nungambakkam,
Chennai .
- 3.The Joint Commissioner,
Head Quarters, Hindu Religious and Charitable
Endowment Department, Nungambakkam,
Chennai .
- 4.The Executive Officer/Fit Person,
Arulmigu Edumban Thirukoil,
Sivagiripatti,
Palani.

+1 cc to Mr.C.Prakasam Advocate sr4109
+1 cc to M/s Special Government Pleader sr4303

WEB COPY

W.P.No.26868 of 2012

bs(co)
aa20/02/2020