

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 03.11.2020
CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
W.P No.12000 of 2020
and
WMP.No.14730 of 2020

K.Pechimuthu,
Son of Kandasamy Goundar,
Former Trustee, Adi Vinayagar Temple,
Emmegoundam Palayam Village,
Kinathukadavu Taluk,
Coimbatore District. Petitioner

Vs.

1.The Commissioner,
Hindu Religious Endowment DPT,
Nungambakkam,
Chennai 600 034.

2.The Asst. Commissioner,
H.R.&C.E. Department,
Coimbatore 641 018.

3.The Sub-Collector,
Pollachi,
Coimbatore District 642 001.

4.The Thasildar,
Kinathukadavu Taluk,
Kinathukadavu,
Coimbatore District.

5.The Sub-Registrar,
SRO Office, Negamam,
Coimbatore District.

6. M.Nataraja Gounder
S/o Late V.Muthusamy Gounder
Kappalankarai Village,
kinathukadavu Taluk
Coimbatore District

... Respondents

(R6 impleaded vide order dt 03.11.2020
made in WMP.No.16019/2020 in WP.12000/2020 by NAVJ)

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd and 3rd respondents to take appropriate actions based on the petitioner's representation dated 02.03.2020 for directing the 5th respondent not to register any document relating to an extent of 3.50 acres situated in Survey Number SF 366 of Kappalangerai Village, belongs to Vinayagar Temple, Emmegoundampalayam Village, Kinathukadavu Taluk, Coimbatore District and pass orders.

For Petitioner : Mr.V.Ravi.

For Respondents : Mr.M.Karthikeyan, for RR1 & 2
Special Government Pleader.

Mr.E.Balamurugan, for RR3 & 4
Special Government Pleader.

Mr.T.M.Pappiah, for R5
Special Government Pleader.

ORDER

This writ petition has been filed for the issue of Writ of Mandamus directing the 2nd and 3rd respondents to take action on the representation submitted by the petitioner dated 02.03.2020, wherein the petitioner has requested the respondents to stop the third parties from dealing with the properties belonging to the temple.

2.Heard Mr.V.Ravi, learned counsel appearing on behalf of the petitioner and Mr.M.Karthikeyan, learned Special Government Pleader, appearing on behalf of respondents 1 and 2, Mr.E.Balamurugan, learned Special Government Pleader, appearing on behalf of respondents 3 and 4 and Mr.T.M.Pappiah, learned Special Government Pleader, appearing on behalf of 5th respondent.

3.The case of the petitioner is that the Adhi Vinayagar Temple, which is under the control of the HR&CE Department is the owner of certain properties in S.No.366 at Kappalangerai Village, Emmegoundampalayam Village, Kinathukadavu Taluk, Coimbatore District. The grievance of the petitioner is that attempts are being made by the family members of late Vanavarayar Gounder, to deal with the properties belonging to the temple. Therefore, a representation was made to the 2nd and 3rd respondents to stop such alienations and creation of third

party rights. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.

4. Taking into consideration, the facts and circumstances of the case and the limited relief that has been sought for in this writ petition, there shall be a direction to the 2nd respondent to consider the representation made by the petitioner on 02.03.2020 by calling the parties for an enquiry and appropriate decision shall be taken strictly in accordance with law within a period of six weeks from the date of receipt of copy of this order. The decision taken by the 2nd respondent shall thereafter be informed to the 5th respondent. The petitioner is directed to make a fresh representation to the 2nd respondent along with all relevant documents and a copy of this order.

5. This writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CCC)

/true copy/

Sub Asst. Registrar

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To:

1. The Commissioner,
Hindu Religious Endowment DPT,
Nungambakkam, Chennai 600 034.
2. The Asst. Commissioner,
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3. The Sub-Collector,
Pollachi, Coimbatore District 642 001.
4. The Thasildar,
Kinathukadavu Taluk,
Kinathukadavu, Coimbatore District.
5. The Sub-Registrar,
SRO Office, Negamam, Coimbatore District.

+1 cc to Government Pleader sr35625

W.P No.12000 of 2020

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