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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2020

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.15818 of 2017

and

WMP Nos.17128 and 17129 of 2017

1.C.Kuppusamy
2. S.Rajesh @ Mahadevan
3. P.Ramasamy
4. S.Mylsamy
5. P.Ramar

... Petitioners

Vs

1. The District Collector,
Salem District.

2. Thasildar,
Mettur.

3. Village Administrative Officer,
Kaveripuram,
Mettur Taluk,
Salem District.

4. The Joint Commissioner,
HR & CE (Admn.) Department,
Salem.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 2 to 4 herein namely, i) The Tahsildar, Mettur Taluk, Salem District ii) Village Administrative Officer, Kaveripuram, Mettur taluk and iii) The Joint Commissioner, HR & CE, (Admn.) Department, Salem to make open the temple for public worship and also to complete the O.A. No.7/2016 pending on the file of the Joint Commissioner, HR & CE (Admn.) Department, Salem.



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For Petitioners : Mr.P.B.Balaji

For Respondents : Mr.R.S.Selvam,
Government Advocate
for R1 to R3
Mr.M.Karthikeyan
Special Govt. Pleader - HR & CE
for R4

ORDER

This writ petition has been filed on the ground that O.A. No.7 of 2016 filed by the petitioners under Section 6(11) and Section 63(b) of the HR & CE Act 22 of 1959 to declare the petitioners as Hereditary Trustees of Arulmighu Kottai Periamariamman Thirukoil, Kottaiyur, Kaveripuram Village, Mettur Taluk, Salem District has not been disposed of. The petitioners seek a direction from this Court to dispose of O.A. No.7 of 2016 within a time frame to be fixed by this Court.

2. Heard Mr.P.B.Balaji, learned counsel for the petitioners, Mr.R.S.Selvam, learned Government Advocate appearing for respondents 1 to 3 and Mr.M.Karthikeyan, learned Special Government Pleader appearing for the 4th respondent.

3. The case of the petitioners is that they are unable to perform the monthly poojas as Hereditary Trustees, due to the pendency of O.A. No.7 of 2016 and hence, they seek for an early disposal of O.A. No.7 of 2016.

4. The learned Special Government Pleader appearing for the 4th respondent submits that O.A. No.7 of 2016 filed by the petitioners is still pending for consideration by the fourth respondent.

5. Admittedly, O.A.No.7 of 2016 has been filed by the petitioners on 27.11.2015 to declare them as Hereditary Trustees in Arulmighu Kottai Periamariamman Thirukoil, Kottaiyur, Kaveripuram Village, Mettur Taluk, Salem District. No prejudice will be caused to either of the parties to this writ petition, if a direction is issued to the 4th respondent to dispose of O.A. No.7 of 2016, expeditiously.

6. In the result, this Court directs the fourth respondent to dispose of O.A. No.7 of 2016, by passing 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.



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7. With the aforesaid direction, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Salem District.

2. The Thasildar,
Mettur.

3. The Village Administrative Officer,
Kaveripuram,
Mettur Taluk,
Salem District.

4. The Joint Commissioner,
HR & CE (Admn.) Department,
Salem.

+lcc to Mr.P.B.Ramanujam, Advocate Sr.11140
+lcc to the Government Pleader Sr.11792
+lcc to the Special Government Pleader Sr.12003

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nr[co]
srg 13/03/2020