



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.01.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.35377 of 2019

Mr.Karthiban

.. Petitioner

..Vs..

1.The Commissioner,
Hindu Religious & Charitable Endowment Department,
Nungambakkam, Chennai - 600 034.

2.The Joint Commissioner,
Hindu Religious & Charitable Endowment Department,
Dr.Balasundaram Salai,
Coimbatore - 641 018.

3.The Assistant Commissioner,
Hindu Religious & Charitable Endowment Department,
Coimbatore.

4.The Fit Person,
A/m. Alukkusamiyaar Thirukoil,
Vettaikaranpudur.

.. Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to number the petition pending on the file of the Joint Commissioner of HR & CE., Coimbatore and to pass suitable order which are deemed to be fit and proper in the circumstances of the case.

For Petitioner : Ms.G.Preethy

For Respondent : Mr.M.Maharaja,
1 to 3 Special Government Pleader
R4 : No appearance

O R D E R

Heard Ms.G.Preethi, learned counsel for the petitioner and Mr.M.Maharaja, learned Special Government Pleader, HR & CE., who has taken notice for the respondents.



2. The limited relief sought in the present Writ Petition is for a Mandamus directing the second respondent namely, the Joint Commissioner, Hindu Religious & Charitable Endowment Department, Coimbatore to number the petition which has been filed and is pending before the said official.

3. It is stated that the petitioner is a devotee of the Alukkusamiyaar Thirukoil at Vettaikaranpudur in Coimbatore District. It is constructed on the Jeeva Samadhi of Sanyasi Alukkusamiyaar. It is stated that lot of devotees do poojas on new moon day and on full moon day. It is stated that the trustee has not been maintaining accounts either for the income or for the movable properties of the temple. It is also stated that the accounts of the temple have not been audited. Therefore the petitioner had given a representation to the HR & CE., Department and the 4th respondent has been appointed as the fit person. It is however stated that the original trustee is still continuing to control the management of the temple. In these circumstances, the petitioner had given a petition to frame a scheme for the proper administration of the temple under Section 64(1) of HR & CE Act, 1959 in September 2019.

4. The petitioner seeks that the petition if it is otherwise in order, be numbered and taken on file by the second respondent. A direction is issued to the second respondent namely, the Joint Commissioner, HR & CE, Coimbatore to number the petition filed by the petitioner, if it is otherwise in order and thereafter take up the same in accordance with law and rules of procedure. The second respondent may number the petition if it is otherwise in order on or before 24.01.2020 and therefore proceed with the further hearing of the same in accordance with law. Accordingly, the Writ Petition stands disposed of. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/
Sub Asst. Registrar

smv

To,

1.The Commissioner,
Hindu Religious & Charitable Endowment Department,
Nungambakkam, Chennai - 600 034.



2.The Joint Commissioner,
Hindu Religious & Charitable Endowment Department,
Dr.Balasundaram Salai,
Coimbatore - 641 018.

WEB COPY

3.The Assistant Commissioner,
Hindu Religious & Charitable Endowment Department,
Coimbatore.

4.The Fit Person
A/M Alukku Samiyar Thirukoil
Vettaikaranpudur

+1 cc to Ms.V.S.Usha Rani Advocte sr100

W.P.No.35377 of 2019

aa08/01/2020