

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.02.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.35481 of 2019 and
WMP No.36305 of 2019

S.Anandan

... Petitioner

..Vs..

1. The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Nungambakkam High Road,
Chennai - 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Villupuram District.
3. The Assistant Commissioner/
Executive Officer,
Arulmighu Melmalayanur Angalamman Temple,
Melmalayanur, Villupuram.
4. The Election Officer,
Arulmighu Melmalayanur Angalamman Temple,
Melmalayanur, Villupuram.

5. D.Elumalai Poochari
6. S.Kanniyappen Poochari
7. N.Elumalai Poochari.

...Respondents

(R5 to R7 impleaded by an
order dated 06.02.2020 in
WMP No.792 of 2020)

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 4th respondent in Na.Ka.No.244/2019/A1, dated 16.12.2019 and quash the same and direct the 4th respondent to include the petitioner's name in the voters list.

For Petitioner: Mr.S.Vijayakumar

For Respondent: Mr.M.Karthikeyan, (for R1 and R2)
Special Government Pleader
Mr.Umashankar (R3 and R4)
Mr.I.Paranthamen (R5 to R7)

O R D E R

The writ petition has been filed in the nature of Certiorarified Mandamus, calling for the records of the 4th respondent in Na.Ka.No.244/2019/A1, dated 16.12.2019 and quash the same.

2. Having heard Mr.S.Vijayakumar, learned counsel for the petitioner and Mr.M.Karthikeyan, learned Special Government Pleader for R1 and R2, Mr.Umashankar, learned Counsel for R3 and R4 and Mr.I.Paranthamen, learned counsel for R5 to R7 (impleading parties), the following order is passed in the main writ petition itself.

3. The writ petition has been filed by the petitioner S.Anandan, S/o. Sundaram Poosari, being aggrieved by the order of the 4th respondent namely the Election Officer, Arulmighu Melmalayanur Angalamman Temple, Melmalayanur, Villupuram, refusing to include him as a voter for the post of the Trusteeship in the said Election. The writ petition came up for hearing on 20.12.2019. The Election was scheduled on 30.12.2019. The petitioner pointed out that he is also a member of the family who are eligible to act as a Poosari and it was improper that he was not even permitted to vote.

4. Upon hearing the learned counsel for the petitioner, a direction was given by this Court permitting the petitioner to cast his vote in the election in the said temple namely Arulmighu Melmalayanur Angalamman Temple, Melmalayanur, Villupuram, then the matter was listed on 08.01.2020.

5. The matter is again listed today. Today, it is stated by the learned counsel for the petitioner that he had actually cast his vote in the said election held on 30.12.2019. Subsequently the election results have also been declared and a list of new office bearers have also taken their post as trustees. The petitioner objects to this. However, the petitioner still has some grievance.

6. According to him, the voters list should have to be announced two months prior to the election. It is stated that the voters list were published only on 17.12.2020 by

notification dated 16.12.2019. if the petitioner has any other grievance including the above, they can be addressed to the competent authority namely the 2nd respondent, the Joint Commissioner, HR & CE Department, Villupuram. Then, the 2nd respondent namely the Joint Commissioner, HR & CE Department, Villupuram before whom any representation is given by the petitioner, issue notice to the petitioner and to any other interested parties particularly the Executive Trustees who have been elected in the Election also issue notice to the Executive officer of the Temple and to any other interested parties as the Joint Commissioner deems fit, hear them, consider the same and then pass detailed orders with reasons.

7. However, the limited scope of the writ petition having been satisfied namely that the petitioner's sought right to vote, having been granted, nothing survives in the writ petition. It is hoped that the petitioner would not necessarily wreck up the issue. It should be kept in mind that any temple and the deity in the temple are meant to maintain peace and harmony. It would be highly unreasonable, if in the name of the temple and in the name of the deity troubles are created.

8. With these observations, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Nungambakkam High Road,
Chennai - 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Villupuram District.
3. The Assistant Commissioner/
Executive Officer,
Arulmighu Melmalayanur Angalamman Temple,
Melmalayanur, Villupuram.

4. The Election Officer,
Arulmighu Melmalayanur Angalamman Temple,
Melmalayanur, Villupuram.

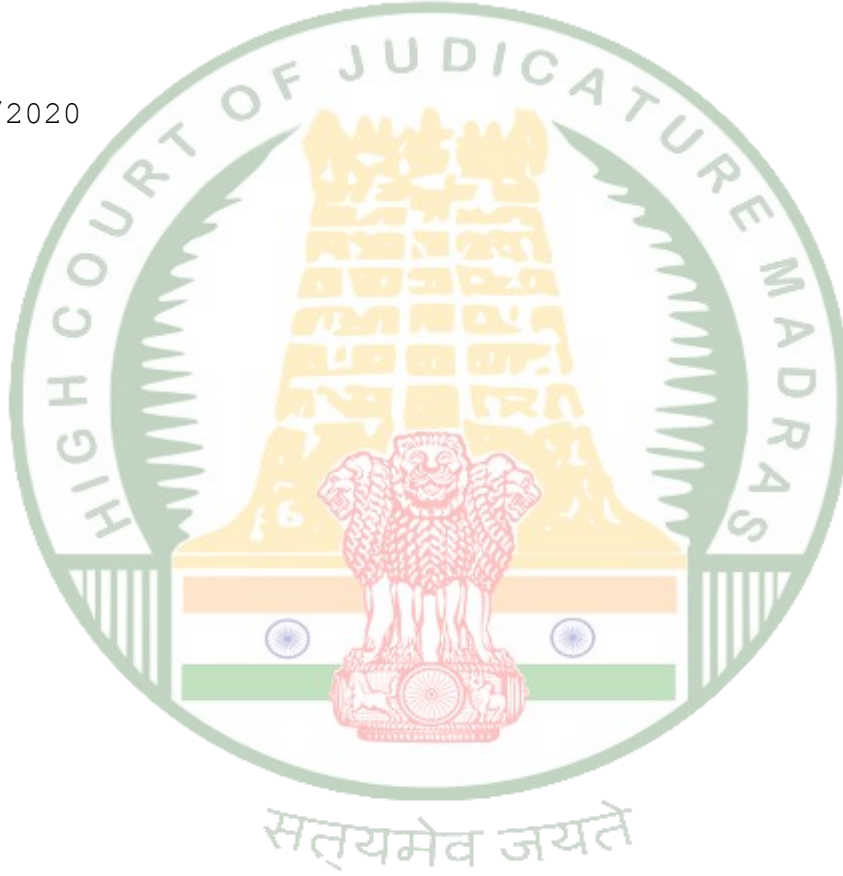
+1cc to Mr.S.Vijayakumar, Advocate Sr.9542

+1cc to Mr.C.Umashankar, Advocate Sr.9543

+1cc to Mr.I.Paranthaman, Advocate Sr.9394

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