



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.10368 of 2020

Arulmigu Mottaiyasamy Temple,
Thirupuvanam,
Sivagangai District,
Represented through its
Managing Trustee Uiyarani
residing at Door No.8,
Nanami Tharuvar Koil Street,
Madurai-1.

... Petitioner

Vs.

1.The Joint Commissioner,
Tamil Nadu Hindu Religious
and Charitable Endowment Department,
Sivagangai.

2.The Assistant Commissioner,
Tamil Nadu Hindu Religious
and Charitable Endowment Department,
Paramakudi, Ramanathapuram District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to dispose of the proceedings in Na.Ka.No.7168 / 2016 filed under Section 78 of Tamil Nadu Hindu Religious and Charitable Endowments Act 22/1959 by the petitioner within a time frame expeditiously.

For Petitioner : Mr.R.G.Shankar Ganesh
For Respondents : Mr.K.P.Narayankumar
Special Government Pleader

O R D E R

Heard the learned counsel on either side. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2. The grievance of the petitioner is that the petition filed under Section 78 of Tamil Nadu Hindu Religious and Charitable Endowments Act 22/1959 has been kept pending by the first respondent for more than four years.

3. The first respondent ought to have shown diligence in expeditiously disposing of such proceedings. When the Temple Properties are under encroachment, they will have to be cleared



expeditiously. Therefore, the petitioner is justified in moving this Court for relief.

4. The learned Special Government Pleader appearing for the respondents states that the first respondent may be given a reasonable time, in view of the lockdown restrictions now in place. I find the said request to be reasonable. Therefore, the first respondent is directed to conclude the proceedings on merits and in accordance with law within a period of four months. This period of four months will start running from the date when the lockdown restrictions are totally removed by the State Government.

5. With these directions, the Writ Petition stands disposed of. No costs. I make it clear I have not gone into the merits of the case. The rights of the parties are left open.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

tsg

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1.The Joint Commissioner,
Tamil Nadu Hindu Religious
and Charitable Endowment Department,
Sivagangai.

2.The Assistant Commissioner,
Tamil Nadu Hindu Religious
and Charitable Endowment Department,
Paramakudi, Ramanathapuram District.

+1 CC to SGP (SR-15421[F] dated 31/08/2020)

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