



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2020

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WEB COPY

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).No.17049 of 2020

NK.PL.C.Ve.SP.M.Thiagarajan .. Petitioner
Vs.

- 1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Salai,
Thousand Lights West, Nungambakkam,
Chennai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Sivagangai, Sivagangai District.
- 3.Sri Karpaga Vinayagar Temple,
represented by its Hereditary Trustee,
P.K.N.K.Trust,
Pillaiyarpatti, Sivagangai District. .. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent herein to consider the petitioner's representation dated 30.09.2020 for implementing the Scheme Decree passed in O.A.No.74 of 1978, dated 12.02.1978 and right conferred to NK Family is given within the time limit fixed by this Court.

For Petitioner : Mr.S.Manikandan

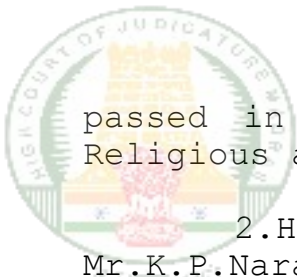
For Respondent : Mr.K.P.Narayana Kumar
for R1 & R2
Special Government Pleader
Mr.AL.Kannan for R3
Standing Counsel

ORDER

(This writ petition is heard through Video Conference)

This writ petition has been filed for a Mandamus seeking for a direction to the second respondent to consider the petitioner's representation dated 30.09.2020, for implementing the Scheme decree

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passed in O.A.No.74 of 1978, dated 12.02.1978, under the Hindu Religious and Charitable Endowments Act, 1959.

2.Heard Mr.S.Manikandan, learned counsel for the petitioner, Mr.K.P.Narayana Kumar, learned Special Government Pleader respondents 1 and 2 and Mr.AL.Kannan, learned Standing Counsel for the third respondent.

3.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4.It is the case of the petitioner that even though the Scheme decree has been passed by the second respondent on 12.02.1978, in O.A.No.74 of 1978, the said Scheme decree has not been implemented by the second respondent till date. The petitioner belongs to N.K.Family and as per the Scheme, 20 family representatives were divided into two parts for the purpose of administration among themselves on rotation basis for the Management of Arulmigu Sri Karpaga Vinayagar Temple, Pillaiyarpatti, Thiruppathur Taluk, Sivagangai District. The petitioner has given representations to the second respondent and the last such representation was given on 30.09.2020, requesting the second respondent to implement the Scheme decree passed in O.A.No.74 of 1978, dated 12.02.1978. It is the case of the petitioner that despite the representations given by him, till date the Scheme decree has not been implemented. In such circumstances, this writ petition has been filed.

5.The relief sought for in this writ petition is an innocuous relief. The petitioner claims that he belongs to one of the families, who have been given the power to manage Arulmigu Sri Karpaga Vinayagar Temple, Pillaiyarpatti, Thiruppathur Taluk, Sivagangai District, for the seventh year on rotation basis. Admittedly, a Scheme decree has also been passed by the second respondent under the Tamil Nadu Hindu Religious and Charitable Endowments Act, on 12.02.1978, whereby 20 family members were permitted to manage the aforementioned temple on rotation basis. It is also an admitted fact that till date, the same Scheme decree has not been implemented by the second respondent. No prejudice will be caused to the respondent if the representation of the petitioner, dated 30.09.2020, seeking for implementation of Scheme decree is considered by the second respondent on merits and in accordance with law and in the light of the Scheme decree, dated 12.02.1978, passed in O.A.No.74 of 1978, after hearing all the necessary parties including the third respondent herein.

6.For the foregoing reasons, this Court directs the second respondent to consider the petitioner's representation, dated 30.09.2020, seeking for implementation of Scheme decree passed in O.A.No.74 of 1978, dated 12.02.1978 and pass final orders on merits in accordance with law, in the light of the said Scheme decree



and after hearing all the necessary parties including the third respondent herein, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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 Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Salai,
Thousand Lights West, Nungambakkam,
Chennai.

2. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Sivagangai, Sivagangai District.

+1 CC to SPL GP (SR-23355[F] dated 30/11/2020)

W.P (MD) .No.17049 of 2020
27.11.2020

VB (08.12.2020) 3P 4C