



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2021

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.10272 of 2021

Salem Taluk Kanjamalai Sitheswarar
Devasthanam Barbers Association,
Rep. by its President M.Murugesan
S/o Marimuthu
No.41, Cholan Road, Vidhya Nagar,
Ammamet, Salem-636 003.

... Petitioner

Vs

1.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Salem-1.

3.The Deputy Commissioner,
Hindu Religious and Charitable
Endowments Department,
Salem-1.

4.The Executive Officer,
Salem Taluk Kanjamalai Sitheswarar Devasthanam,
Kanjamalai,
Salem-637 502.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of mandamus directing the 1st respondent to take action against the 4th respondent and to allow the petitioner's Association members to continue their hair removing work in the Salem Taluk Kanjamalai Sitheswarar Devasthanam temple as per the petitioner's representation dated 10.03.2021.



WEB COPY

For Petitioner : Mr.M.Thamizhavel

For Respondents: Mr.N.R.R.Arun Natarajan
(for R1 to R3)
Government Advocate

Mr.K.Ashok Kumar (for R4)

O R D E R

Heard Mr.M.Thamizhavel, learned counsel for the petitioner, Mr.N.R.R.Arun Natarajan, learned Government Advocate for Commissioner, Joint Commissioner and Deputy Commissioner of HR&CE Department/R1, R2 & R3 and Mr.K.Ashok Kumar, learned counsel for Executive Officer of the Salem Taluk Kanjamalai Sitheswarar Devasthanam/R4.

2.The petitioner is an association constituted under the name and style of the Salem Taluk Kanjamalai Sitheswarar Devasthanam Barbers Association duly registered in terms of the provisions of the Tamil Nadu Societies Registration Act, 1975. The petitioner has made a representation to the Commissioner, HR&CE Department on 13.01.2021, seeking certain directions in regard to the activity of tonsuring undertaken by its members for devotees who visit the temple.

3.The representation of the petitioner has been forwarded by the Commissioner to the Joint Commissioner under cover of communication dated 11.02.2021 directing that the Joint Commissioner devote attention to the matter and dispose the same. There has however, been no response from the Joint Commissioner. A remainder appears to have been filed on 10.03.2021 by the petitioner, addressed to all three officials of the Department arrayed in this writ petition. As there was continued silence from the Department, the petitioner has approached this Court by way of the present writ petition.

4.Mr.Arun Natarajan would assure the Court that the Joint Commissioner, bearing in mind the direction already issued by the Commissioner, will hear the petitioner as well as the Executive Officer and pass orders on the petitioner's representation within a time frame to be fixed by the Court.

5.The mandamus as sought for by the petitioner is thus issued and there is a direction to the Joint Commissioner/R2 to hear the petitioner through authorised representative, as well as the Executive Officer / R4 and pass orders on the petitioner's representation in accordance with law and prevailing regulations within a period of six (6) weeks from



today. This Court makes it clear that there has been no opinion expressed on the merits of the matter, which is left to the discretion of the authorities concerned.

6.This writ petition is disposed. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

vs

To

1.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai - 600 034.

2.The Joint Commissioner,
Hindu Religious and
Charitable Endowments Department,
Salem-1.

3.The Deputy Commissioner,
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Charitable Endowments Department,
Salem-1.

4.The Executive Officer,
Salem Taluk Kanjamalai Sitheswarar Devasthanam,
Kanjamalai, Salem-637 502.

+1cc to the Government Pleader, S.R.No.35356

W.P. No.10272 of 2021

PCH (CO)

GN(17/09/2021)