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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Writ Petition No.23144 of 2018
and W.M.P.No.27044 of 2018

V.Sivakumar

... Petitioner

Vs

1.The Commissioner
Hindu Religious and Charitable
Endowments Department
Nungambakkam High Road
Nungambakkam, Chennai-600 034.

2.The Joint Commissioner
Hindu Religious and Charitable
Endowments Department
Behind Bus Stand
Villupuram, Villupuram District.

3.The Assistant Commissioner
Hindu Religious and Charitable
Endowments Department
Cuddalore-607 001.

4.The Inspector
Hindu Religious and Charitable
Endowments Department
Cuddalore-607 001.

5.The Branch Manager
Indian Overseas Bank
Kumarapuram, Cuddalore Taluk
Cuddalore District.

6.Rudramurthi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 5th respondent to re-transfer the Savings Bank A/c.No.182401000010105 so as to be operated by the petitioner.



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For Petitioner :Mr.R.Gururaj

For R1 to R4 : Mr.Stalin Abimanyu, GA

For R5 : M/s.Ananda Gomathy

For R6 : Mr.N.Alagan Narayanan

ORDER

This writ petition has been filed to issue a mandamus, directing the 5th respondent to re-transfer the Savings Bank A/c.No.182401000010105 to be operated by the petitioner.

2.According to the petitioner, Arulmigu Sinthamani Vinayagar Thirukoil in Karamanikuppam Village, Cuddalore Taluk and District, is a public temple, which belongs to the villagers and the same does not fall within the purview of the HR&CE Board. The petitioner has been doing pooja in the temple for the past 30 years. It is further averred in the petition that after coming to know about the scheme, viz., Oru Kaala Pooja Scheme that the Government through HR&CE Department, deposits a fixed sum of Rs.1,00,000/- and the interest accrued thereon, could be utilised to perform pooja, the petitioner took a demand draft for Rs.10,000/- in the name of the first respondent and handed over the same to the fourth respondent. Immediately, the first respondent deposited a sum of Rs.1,00,000/- in the savings bank account of the temple opened by the petitioner with the fifth respondent. However, based on the letter given by the fourth respondent as if the sixth respondent is the poosari of the subject temple, the fifth respondent allowed the sixth respondent to withdraw interest accrued on the said deposit and accordingly, the sixth respondent withdrew Rs.3,000/- on 30.08.2017. Feeling aggrieved, the petitioner sent a representation dated 08.02.2018 to the respondents 1 to 4, which was not considered. Therefore, this writ petition.

3.Denying the averments made in the writ petition, the 6th respondent filed a detailed counter affidavit. According to him, he is looking after the day today affairs of the subject temple and hence, the fourth respondent authorised him to deposit and receive interest, by letter dated 20.05.2016. It is also submitted that the petitioner has preferred this petition with malafide intention to get personal benefit illegally by way of interest accrued on the deposit belonging to the subject temple.

4.However, today, when the matter was taken up for consideration, the learned counsel for the petitioner restricted the relief sought in this writ petition to the extent of



directing the second respondent to dispose of the petitioner's representation dated 08.02.2018, on merits, within a time frame to be fixed by this Court.

5.The learned Government Advocate appearing for the respondents 1 to 4 has no serious objection for granting such relief to the petitioner.

6.In view of the above, this Court directs the 2nd respondent to consider the petitioner's representation dated 08.02.2018, if not already considered, and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner as well as any other interested parties, within a period of eight (8) weeks from the date of receipt of a copy of this order.

7.Accordingly, this writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner
Hindu Religious and Charitable
Endowments Department
Nungambakkam High Road
Nungambakkam, Chennai-600 034.

2.The Joint Commissioner
Hindu Religious and Charitable
Endowments Department
Behind Bus Stand
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3.The Assistant Commissioner
Hindu Religious and Charitable
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4.The Inspector,
Hindu Religious and Charitable
Endowments Department
Cuddalore-607 001.



5.The Branch Manager
Indian Overseas Bank
Kumarapuram, Cuddalore Taluk
Cuddalore District.

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+1cc to Mr.D.Baskar, Advocate, S.R.No.32033
+1cc to the Government Pleader, S.R.No.32027

W.P.No.23144 of 2018

PCH (CO)
CB (06/08/2021)