



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2021

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THE HONOURABLE MR.JUSTICE **V.PARTHIBAN**

W.P. (MD)No.2942 of 2021

WEB COPY

P.M.Jegadeesh Pandian

: Petitioner

Vs.

The Additional Chief Secretary / Revisional Authority,
Department of Tourism, Culture and Hindu Religious
and Charitable Endowment,
Government of Tamil Nadu,
St.George Fort, Chennai.

: Respondent

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the respondent herein to consider the petitioner's representation, dated 01.02.2021 and to take the petitioner's Revision Petition, dated 09.09.2019, filed under Section 114 of Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959 and dispose of the same after affording sufficient opportunity and in accordance with law within a time stipulated by this Court.

For Petitioner

:Mr.D.Nallathambi

For Respondent

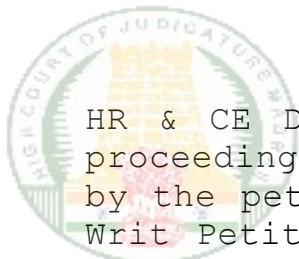
:Mr.K.P.Narayakumar

Special Government Pleader

ORDER

The case of the petitioner is that the temple, namely, "Arulmighu Pandi Muneeswarar Kovil", Melamadai, Madurai, was originally administered by one Valliammal and during her lifetime, the temple was declared as "Excepted Temple" in 1935. After the lifetime of the said Valliammal, the right of administration of poojariship was devolved upon her legal heirs, namely, Bothai Poosari @ Pandian and Periyannan @ Mahamuni. The two branches have been exercising their right to do pooja for five weeks each on rotation basis. The petitioner claims himself to belong to one of the branches.

2.The grievance of the petitioner is that after the death of his brother, one Porkodi Pandian, the Joint Commissioner HR & CE Department, by order, dated 04.04.2005 had erroneously included the petitioner's brother's name, instead of his name. Therefore, the petitioner appears to have approached the Joint Commissioner,



HR & CE Department and filed a petition, which was rejected by proceedings, dated 03.08.2017. The rejection was put to challenge by the petitioner in W.P.(MD)No.15029 of 2017. However, the said Writ Petition was disposed on 20.09.2017 directing the petitioner to file an appeal under Section 69 of the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959.

3.Hence, the petitioner filed a revision petition before the Joint Commissioner and the same was also dismissed on 21.08.2018. As against, a further revision petition under Section 114 of the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959, has been filed by the petitioner on 09.09.2019 before the respondent. But the said revision petition has not been disposed of and hence, the petitioner is before this Court.

4.When the matter is taken up for hearing, the learned Special Government Pleader appearing for the respondent would submit that the revision petition is pending before the respondent and if a reasonable time is given by this Court, the revision petition will be disposed of within the time stipulated by this Court.

5.This Court in consideration of the fact that the revision petition is pending before the respondent for a quite some time, since September 2019 and on instructions, it is submitted on behalf of the respondent that the revision petition is still pending before the respondent and the same could be disposed of, if any direction is issued in this regard, this Court is inclined to pass such order.

6.Hence, the Writ Petition is disposed of without expressing any views on merits and events of the claim of the petitioner vis-a-vis respondent with the following directions:

"i)the respondent is directed to dispose of the revision petition filed by the petitioner on 09.09.2019 on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order.

ii)the respondent is also directed to communicate a copy of the final order to be passed in the revision petition to the petitioner forthwith."

No costs.

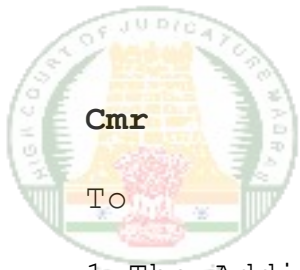
Sd/-

Assistant Registrar (CS-I)

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/ /2021

Sub Assistant Registrar(CS)



1.The Additional Chief Secretary / Revisional Authority,
Department of Tourism, Culture and Hindu Religious
and Charitable Endowment,
Government of Tamil Nadu,
St.George Fort, Chennai.

+1 CC to M/s.D.NALLATHAMBI, Advocate (SR-12921[F] dated
23/03/2021)

+1 CC to M/s.SPL GP (SR-12963[F] dated 23/03/2021)

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