



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.06.2021

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.10125 of 2021

D.Ayyakalai

... Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai-600 034.

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

3. The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Paramakudi, Ramanathapuram District.

4. The Inspector,
Hindu Religious and Charitable Endowment Department,
Sivankovil, Thirupathur,
Sivagangai District.

5. Sellampoosari

6. Poosarimeyyan

7. Ganesan

8. Ayyakalai

9. Jeyaprakash

10. Manickam

11. Moorthy

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondent Nos.1 to 4 to take action against the fifth respondent for fraudulently transferring the lands in S.F.Nos.187/4A, 4B, 4C, 4D, 4E, 4F and 4G of Chettikurichi Village, Singampunari Taluk, Sivagangai District, belonging to Arulmigu Villiyar Temple, Puluthipatti Village, Singampunari Taluk, Sivagangai District, in the capacity of Hereditary Trustee and consequently to restore the temple lands in S.F.Nos.187/4A, 4B, 4C, 4D, 4E, 4F and 4G of Chettikurichi Village, Singampunari Taluk, Sivagangai District, belonging to Arulmigu Villiyar Temple, Puluthipatti Village, Singampunari Taluk, Sivagangai District, based on the petitioner's representation, dated 16.11.2020.



For Petitioner : Mr.M.Suresh
For R-1 to R-4 : Mr.M.Lingadurai
Government Advocate (Civil)

ORDER

This writ petition has been filed for the issue of a Writ of Mandamus, directing the official respondents to take action against the fifth respondent on the ground that the fifth respondent in his capacity as a Hereditary Trustee has fraudulently transferred certain lands belonging to the Temple in favour of his family members and to that effect the petitioner has given a representation to the respondents on 16.11.2020.

2. When the matter was taken up for admission, the learned Government Advocate (Civil) appearing on behalf of the respondents 1 to 4 submitted that the complaint given by the petitioner has already been acted upon by the second respondent and explanation has been sought for from the fifth respondent and that action will be taken, if any illegalities are found to have been committed by the fifth respondent and his family members. Written instructions in this regard was also circulated and brought to the attention of this Court.

3. Heard Mr.M.Suresh, learned counsel appearing on behalf of the petitioner and Mr.M.Lingadurai, learned Government Advocate (Civil) appearing on behalf of the respondents 1 to 4.

4. Taking into consideration the facts and circumstances of the case and the seriousness of the allegations made against the fifth respondent and others and also of the fact that the second respondent has already commenced the enquiry into the complaint given by the petitioner, there shall be a direction to the second respondent to proceed further with the enquiry after affording opportunity to the petitioner and the fifth respondent and to any other interested persons and deal with the same on its own merits and in accordance with law and pass final orders within a period of eight (08) weeks from the date of receipt of a copy of this order.

5. This Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CSI)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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.

tsg

To

1. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai-600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Sivagangai Division, Sivagangai District.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Paramakudi, Ramanathapuram District.
4. The Inspector,
Hindu Religious and Charitable Endowment Department,
Sivankovil, Thirupathur,
Sivagangai District.

+1 CC to M/s.SPL GP (SR-19666[F] dated 18/06/2021)

**Order made in
W.P. (MD) .No.10125 of 2021**

**Dated :
17.06.2021**

GS (25.06.2021) 3P 6C