



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P. [MD]No.21382 of 2021

Chinnupoosari

... Petitioner

Vs.

1. The Joint Commissioner,
Hindu Religious and Charitable Endowments Board,
Thanjavore.

2. The Executive Officer,
Hindu Religious and Charitable Endowment Board,
Pudukkottai Temples,
Pallavankulam,
North Shore,
Pudukkottai - 622 001.

... Respondents

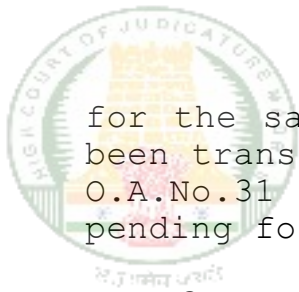
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to decide the petitioner's O.A.No.31 of 2021 (previously pending in O.A.No.18/2016 before the Joint Commissioner HR & CE, Trichy) on merits and in accordance with law within the time stipulated by this Court.

For Petitioner	: Mr.Babu Rajendran
For Respondent No.1	: Mr.A.Baskaran Additional Government Pleader
For Respondent No.2	: Mr.S.Shanmugam for Mr.G.Madhavan Government Advocate

O R D E R

In the captioned main writ petition the prayer is extremely limited. Subject matter of captioned writ petition is a temple which goes by the name 'Shri Maavayal Kaatu Ayyanar Thirukoil' along with its sub-temples situate in Pallavankulam, Pudukkottai.

2.Mr.Babu Rajendran, learned Counsel for sole writ petitioner submits that the writ petitioner has filed an application under Section 63(e) of 'the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959)' {hereinafter 'TN HR & CE Act' for the sake of brevity} *inter alia* with a prayer to declare the petitioner as hereditary poosari of said temples. Learned Counsel submits that this is O.A.No.18 of 2016 was originally on the file of Joint Commissioner 'Tamil Nadu Hindu Religious & Charitable Endowments Department' ['TN HR & CE Dept.,'



for the sake of convenience and clarity], Trichy but it has since been transferred to file of the first respondent and re-numbered as O.A.No.31 of 2021. Learned Counsel submits that the O.A. has been pending for more than half a decade now.

3.Mr.A.Baskaran, learned Additional Government Pleader accepts notice for first respondent and Mr.S.Shanmugam, learned Counsel representing Mr.G.Madhavan, Government Advocate accepts notice on behalf of the second respondent ie., Executive Officer.

4.Be that as it may, learned private Counsel for Executive Officer of said temple may really not have a say in the prayer as it is a simple mandamus seeking a directive *qua* quasi judicial function (of first respondent) under the TN HR & CE Act.

5.Learned State Counsel submits that the time consumed is attributable to the re-alignment of jurisdiction, transfer of the matter from Trichy to Tanjore and in any event the matter has to be heard out on its own merits.

6.In the light of the narrative thus far, captioned writ petition is disposed of with a simple directive to the first respondent to hear out aforementioned O.A.No.31 of 21 filed by the writ petitioner and now pending on the file of the first respondent on its own merits and in accordance with law as expeditiously as his business would permit and in any event within three [3] months from today ie., on or before **01.03.2022**.

7.Though obvious it is made clear that I have not expressed any view or opinion on the merits of the matter in this order. When I say that I have not expressed any opinion on the merits of the matter, it includes not expressing any opinion or view on the prayer and the provision of law that has been invoked. To be noted petition (O.A.No.31 of 2021) as placed before me says Section 63(E) and I take it that this is a typo and it should read as Section 63 (e). I leave it to the discretion and adjudication of the first respondent.

8.The captioned Writ Petition is disposed of in the aforesaid manner / with the aforementioned directive. However, there shall be no order as to costs.

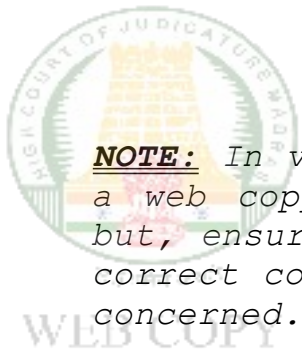
Sd/-

Assistant Registrar (CS-III)

// 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.

To

1. The Joint Commissioner,
Hindu Religious and Charitable Endowments Board,
Thanjavore.
2. The Executive Officer,
Hindu Religious and Charitable Endowment Board,
Pudukkottai Temples,
Pallavankulam,
North Shore,
Pudukkottai - 622 001.

+1 CC to M/s.BABU RAJENDRAN, Advocate (SR-36929[F] dated 02/12/2021)

+1 CC to M/s.SPL GP (SR-37048[F] dated 02/12/2021)

ORDER MADE IN
W.P. [MD]No.21382 of 2021

01.12.2021

USK (30.12.2021) 3P 5C