



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2021

CORAM:

THE HONOURABLE MR. JUSTICE M. SUNDAR

W.P.[MD]No.18547 of 2016

S. Balan

... Petitioner

Vs.

1. The Government Secretary,
Department of Tourism, Culture and Religious Endowment,
St. George Fort,
Chennai.

2. The Commissioner,
Department of Hindu Religious and Charitable Endowments,
119, Uthamar Gandhi Salai,
Nungampakkam,
Chennai - 34.

3. The Joint Commissioner,
Department of Hindu Religious and Charitable Endowments,
Tirunelveli.

4. The Executive Officer,
Arulmigu Mutharamman Thirukkivil,
Kulasekaranpattinam,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 4 to consider my representation dated 06.08.2016 and subsequently direct them to appoint a qualified additional Archakar before the Dhasara festival 2016 at Arulmigu Mutharamman Thirukkivil, Kulasekaranpattinam, Tiruchendur Taluk, Thoothukudi District.

For Petitioner : Mr. V. Rajiv Rufus

For Respondents 1 to 3 : Mr. A. Baskaran

Additional Government Pleader

For Respondent No. 4 : Mr. M. Muthugeethayan

O R D E R

In the captioned main writ petition, Arulmighu Mutharamman Thirukkivil, situate at Kulasekaranpattinam, Tiruchendur Taluk, Thoothukudi District [hereinafter 'said temple' for the sake of convenience and clarity] is the nucleus and appointment of an additional Archakar *qua* said temple is the central theme.



2.It is pointed out that a representation has been made for appointment of additional Archakar in said temple.

3.This Court is informed that there is an Executive Officer (Grade-I Executive Officer) as also a Fit Person who is an Assistant Commissioner in 'the Tamil Nadu Hindu Religious and Charitable Endowments Department' [hereinafter 'TN HR & CE Dept.,' for the sake of convenience and clarity].

4.In the captioned main writ petitioner, the third respondent [jurisdictional Joint Commissioner of TN HR & CE Dept.,] has filed a counter affidavit dated 01.06.2017 and the averment made in paragraph No.6 of the counter affidavit is of relevance. The most relevant part of paragraph No.6 of the counter affidavit of the third respondent reads as follows:

'6. ... In future, considering the impending necessity, the 4th Respondent and the Trustee / Fit Person of the temple, will take necessary steps to get permission from the authority to increase the archagar posts suitably. It is also relevant to state that a proposal has been sent to the 2nd Respondent seeking permission to appoint additional temporary post of archaga on daily wages basis and the same is under consideration.'

[Extracted and reproduced as such]

5.In the light of the aforementioned stated position of the respondents, I am of the view that it will suffice if there is a directive to the second respondent [Commissioner, TN HR & CE Dept.,] to consider the proposal of the fourth respondent and Fit Person / Thakkar of said temple and take a decision on the same as expeditiously as his business would permit and in any event within three [3] months from today ie., on or before **01.03.2022**.

6.Though obvious it is made clear that I have not expressed any opinion or view on the merits of the matter more particularly regarding allegations against one of the incumbent Archagar (who is not before this Court) and all questions are left open. The second respondent / Commissioner shall therefore take a decision on the merits of the proposal in accordance with law. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

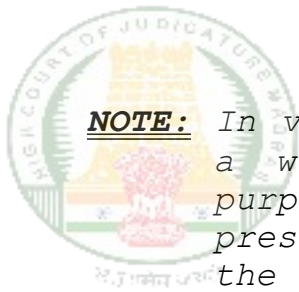
Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR



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.

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To

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- 3.The Joint Commissioner,
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Tirunelveli.

+1 CC to M/s.M.MUTHUGEETHAYAN, Advocate (SR-36822[F] dated 01/12/2021)

+1 CC to M/s.SPL GP (SR-37047[F] dated 02/12/2021)

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01.12.2021

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