



WEB COPY



W.P.No.536 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **12.12.2022**

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.536 of 2022

G.Doraisamy

.. Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
Uthamar Gandhi Salai,
Nungambakkam, Chennai - 600 034.

2. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Coimbatore.

3. The Fit Person / Assistant Commissioner,
A/M.Venugopalaswamy Thirukoil,
Kiliyagoundampalayam,
Perur Taluk, Coimbatore District.

4. The Executive Officer,
A/M.Venugopalaswamy Thirukoil,
Kiliyagoundampalayam,
Perur Taluk, Coimbatore District.

5. A.R.Venugopal

.. Respondents

Prayer : Writ Petition has been filed under Article 226 of the Constitution of

India seeking a Writ of Mandamus directing the 2nd respondent herein to



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complete the process of enquiry and pass orders in respect of the jewels and the properties of the temple namely Arulmighu Venugopalaswamy Thirukoil, Kiliyagoundanpalayam, Pooluvapatti Village, Perur Taluk, Coimbatore District, based upon the representation of the petitioner dated 16.08.2021.

For Petitioner : Mr.G.R.M.Palaniappan
for Mr.P.Muthukumaraswamy

For Respondents 1 to 3 : Mr.N.R.R.Arun Natarajan
Spl.G.P.(HR & CE)

For Respondent 4 : Mr.R.Bharanidharan

For Respondent 5 : Mr.N.Manokaran

ORDER

This writ petition has been filed seeking a direction to the second respondent to consider the representation of the petitioner dated 16.08.2021.

2. The grievance of the petitioner is that the 5th respondent has no right in the property but he is trying to alienate the property of the temple, therefore he sent a representation to the second respondent but no action has been taken.



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3. Counter has been filed by the 5th respondent, wherein it is alleged that various suits are pending between the parties and he filed a suit to declare him as the legal heir of hereditary trustee and the same is also pending before the District Court, Coimbatore. Further, it is his contention that the representation of the petitioner dated 16.08.2021 has already been considered by the second respondent and orders has also been passed on 31.08.2021. Hence seeks dismissal of the writ petition.

4. A perusal of the writ petition and the counter affidavit clearly indicate that the petitioner and the 5th respondent are trying to establish their right over the temple in this writ petition. Admittedly, suit has been filed seeking declaration by both the parties, which is pending on the file of the District Court, Coimbatore. Further fact remains that the suit filed by the petitioner to declare him as the legal heir of original hereditary trustee in O.S.No.1849 of 2012 before the learned Principal District Munsif, Coimbatore was dismissed.

5. Such view of the matter the rights of the parties has to be decided only in a Civil Court, the petitioner cannot seek for a direction by suppressing earlier suit and it is also relevant to note that his representation dated



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16.08.2021 has been forwarded to the second respondent and he has also considered the representation and recorded that all the disputes are pending between the parties and though it is recorded that the 5th respondent has no right in the temple, it is also recorded that suit for declaration is pending wherein the temple is also a party.

6. Such view of the matter, there cannot be any direction to the second respondent to take action on the basis of the representation of the petitioner and let the Civil Court decide the issue. With the above direction, the writ petition is disposed of. No costs.

12.12.2022

Index : Yes / No

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To

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N.SATHISH KUMAR, J.

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