



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

AND

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P. No.4631 of 2020

and

W.M.P. No.5487 of 2020

R.Vaideeswaran

...Petitioner

vs

1. The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Nungambakkam,
Chennai-600 034.
2. The Commissioner,
Archeological Department,
Tamil Development Complex,
Tamil Salai, Egmore,
Chennai - 60 008.
3. The Superintendent of Police,
Salem District, Salem.
4. The Joint Commissioner,
Hindu Religious and
Charitable Endowments Department,
Salem.
5. The Assistant Commissioner,
Hindu Religious and
Charitable Endowments Department,
Salem.
6. The Executive Officer/Fit Person,
A/m.Periapettai Mariamman Temple,
Kadayampatti,
Edanganasalai Village & Post,
Sankagiri Taluk,
Salem District - 637 502.



7.Chinnasamy

8.Vaithi

9.Sundaram

10.Varadharajan

11.Murugan

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the respondents 1 to 6 to consider the representation of the petitioner dated 18.12.2019 and pass appropriate orders within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sumitra

For Respondents: Mr.K.Selvaraj
for R7 to 11

Mr.Arun Natarajan,
Special Government Pleader
HR&CE for R1

Mr.K.V.Sajeev Kumar,
Special Government Pleader
for R2 to 6

ORDER

[Order of this Court was delivered by T.RAJA, J.]

The petitioner has come to this Court for issuance of a writ of Mandamus seeking a direction to respondents 1 to 6 to consider his representation dated 18.12.2019 and pass appropriate orders within a time frame to be fixed by this Court.

2.It is the claim of the petitioner that A/m. Pettai Mariamman Temple, Kadaiyampatti belongs to all the communities and the petitioner's ancestors were originally the Hereditary Trustees and Poojaries of the above said temple. However, the said temple was 150 years old and the same was under the control of the HR & CE Department and the sixth respondent was the fit person of the temple. While so, some third parties have demolished the temple under the pretext of reconstruction, renovation and performance of Kumbhabishegam. In this regard, the petitioner has made a representation dated 18.12.2019 to the official respondents to take action against them. Since there is no response, the petitioner is before this Court for the above direction.



3. When the matter is taken up for hearing, learned counsel for the petitioner sought permission to withdraw this writ petition.

4. While seriously objecting for withdrawing this writ petition, learned counsel for respondents 7 to 11 submitted that respondents 7 to 11 have also given complaint/representation dated 07.01.2022 against the petitioner before the Hindu Religious and Charitable Endowments Department. Therefore, if the present petition is withdrawn, the representation given by respondents 7 to 11 on 07.01.2022 also may not be taken up and as a result, no enquiry would be held. Therefore, a proper enquiry to be held by an impartial officer of the HR&CE Department so as to give quietus to this issue.

5. Learned Special Government Pleader appearing for R1/HR&CE Department submitted that now respondents 7 to 11 have also given a complaint/representation. Therefore, complaint/representation given by the petitioner and respondents 7 to 11 would be considered, on merits.

6. Considering the submission made by both sides, we direct the official respondents to consider the complaint/representation made by the petitioner as well as respondents 7 to 11 and take appropriate action, on merits and in accordance with law expeditiously. With the above direction, this writ petition stands disposed of. No costs. Consequently, W.M.P. No.5487 of 2020 stands closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vga

To

1. The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Nungambakkam, Chennai-600 034.
2. The Commissioner,
Archeological Department,
Tamil Development Complex,
Tamil Salai, Egmore,
Chennai - 600 008.



3. The Superintendent of Police,
Salem District, Salem.
4. The Joint Commissioner,
Hindu Religious and
Charitable Endowments Department,
Salem.
5. The Assistant Commissioner,
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6. The Executive Officer/Fit Person,
A/m.Periapettai Mariamman Temple,
Kadayampatti,
Edanganasalai Village & Post,
Sankagiri Taluk,
Salem District - 637 502

+1cc to Mr.K.Selvaraj, Advocate, S.R.No.15472

+1cc to M/s.G.Sumitra, Advocate, S.R.No.15378

+1cc to the Government Pleader, S.R.No.16491

W.P. No.4631 of 2020
and
W.M.P. No.5487 of 2020

CP(CO)
RGA(18/03/2022)