IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

WRIT PETITION NO.2363 OF 2022

M.P.Duraisamy

.. Petitioner

Vs.

1. The Joint Commissioner
   Hindu Religious & Charitable Endowments
   Administration Department
   Tiruppur.

2. The Fit Person/Executive Officer
   Arulmighu Bhaghavathi Amman Thirukoil
   Mallampalayam Village
   Dharapuram Taluk
   Tiruppur District.

   Having Office at:
   Arulmighu Kaadu Hanumantharayaswamy
   Temple, Dharapuram Taluk
   Tiruppur District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 1st respondent to expeditiously dispose of the petition filed as O.A.No.17 of 2017 before the Joint Commissioner, Coimbatore, now transferred and pending without being re-numbered on the file of the Joint Commissioner, Tiruppur, within the time limit as fixed by this Court.

For Petitioner	:	Mr.T.S.Vijaya Raghavan
For Respondents	:	Mr.S.Yashwanth Additional Government Pleader (HR and CE)

O R D E R

Writ Petition is filed for issuance of a Writ of Mandamus directing the 1st respondent to expeditiously dispose of the petition filed as O.A.No.17 of 2017 before the Joint Commissioner, Coimbatore, now transferred and pending without being re-numbered on the file of the Joint Commissioner, Tiruppur, within the time limit as fixed by this Court.

2. By consent of both the learned counsel for the petitioner appearing through "Video-conferencing" as well as Mr.S.Yashwanth, the learned Additional Government Pleader, who takes notice for the respondents, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.According to the petitioner, Arulmighu Bhagavathi Amman Temple is situate in Mallampalayam village, Dharapuram Taluk, Tiruppur District. The temple is non-listed temple under the supervisory control of the Tamil Nadu Hindu Religious and Charitable Endowments Administration Department. The 2nd respondent was appointed as a Fit Person for the temple by the Assistant Commissioner, Tiruppur. The temple is situate in a small village and does not own any properties. The petitioner and other persons have specific rights in the temple to perform customary rituals during the annual festival falling in the Tamil month 'Masi'. To declare the performance of the customs by the petitioner and others to be hereditary in nature, the petitioner and others filed O.A.No.17 of 2017 under Section 63 (e) of the Tamil Nadu Hindu Religious and Charitable Endowments Act. The said petition was transferred to the 1st respondent and the same is pending without being numbered in spite of repeated request made by the petitioner. In such circumstances, the petitioner has come out with the present Writ Petition.

4.The learned Additional Government Pleader appearing for the respondents submitted that after transfer, O.A. has been re-numbered as O.A.No.34 of 2021, hearing date of the petition is fixed on 23.02.2022 and the same will be disposed of after hearing the petitioner within the time limit as fixed by this Court.

5.Considering the limited relief sought for in the present Writ Petition and submission of the learned Additional Government Pleader appearing for the respondents, without expressing any opinion on merits, the 1st respondent is directed to dispose of the said O.A.No.34 of 2021 and pass orders on merits and in accordance with law, after giving opportunity to the petitioner as well as other interested persons if any, within a period of three months from the date of receipt of a copy of this order.

6.With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

1. The Joint Commissioner
   Hindu Religious & Charitable Endowments
   Administration Department
   Tiruppur.

2. The Fit Person/Executive Officer
   Arulmighu Bhaghavathi Amman Thirukoil
   Mallampalayam Village
   Dharapuram Taluk
   Tiruppur District.

+1cc to M/s.T.S.Vijaya Raghavan, Advocate, S.R.No.9120

W.P.No.2363 of 2022

PMK(CO)
RLP(02/03/2022)