



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.NO.3129 OF 2022

Dr.P.N.Namasivaya

.. Petitioner

Vs.

The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai 600 034.

.. Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondent to dispose of M.P.No.5 of 2019 in O.A.No.111 of 1965 on the file of the respondent, within the time fixed by this Court.

For Petitioner : Ms.G.Sumitra
for M/s.G.Surya Narayanan

For Respondent : Mr.N.R.R.Arun Natarajan
Special Government Pleader
(HR & CE)

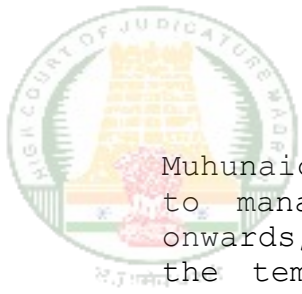
O R D E R

(The matter is heard through "Video-conferencing/hybrid" mode)

This Writ Petition is filed seeking a direction to the respondent to dispose of M.P.No.5 of 2019 in O.A.No.111 of 1965 on the file of the respondent, within the time fixed by this Court.

2.By consent of the learned counsel appearing for the petitioner as well as Mr.N.R.R.Arun Natarajan, learned Special Government Pleader (HR & CE), who takes notice for the respondent, this petition is taken up for final disposal at the admission stage itself.

3.According to the petitioner, one of his ancestor viz., Muthu Naicker constructed Sri Drowpadi Amman temple in Melpadi



Muhunaicken Street, Nungambakkam, Chennai and appointed trustees to manage the affairs of the said temple. From that date onwards, the petitioner's ancestors were managing the affairs of the temple as Hereditary Trustees. Due to some dispute, the petitioner's father filed O.A.No.111 of 1965 for declaring himself as Hereditary Trustee. By order dated 17.05.1967, the Deputy Commissioner, Chennai declared father of the petitioner viz., N.V.P.Pandyan as Hereditary Trustee. Due to his old age, petitioner's father nominated the petitioner as Hereditary Trustee and made necessary declaration before the Department to make the petitioner as Hereditary Trustee. The respondent has not passed any order on the declaration submitted by the petitioner's father. While so, his father died on 23.11.1999, leaving the petitioner as his only legal heir. As a legal heir, the petitioner continues to be the Hereditary Trustee of Sri Drowpadi Amman temple and filed M.P.No.5 of 2019 in O.A.No.111 of 1965 on the file of the Joint Commissioner, HR & CE, Chennai, to record him as successor to the office of the Hereditary Trusteeship of Sri Drowpadi Amman temple at Nungambakkam, Chennai. The respondent has not considered and not passed any order in the said application till date. Hence, the petitioner has come out with the present application.

4.The learned Special Government Pleader (HR & CE) submitted that the respondent will pass orders within the time frame to be fixed by this Court.

5.Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader (HR & CE) appearing for the respondent and perused the entire materials available on record.

6.From the above materials, it is seen that the petitioner has filed M.P.No.5 of 2019 in O.A.No.111 of 1965 to record him as Hereditary Trustee as successor as next in line of succession and the same is pending from 2019 before the respondent. In view of the same, the respondent is directed to consider M.P.No.5 of 2019 filed by the petitioner in O.A.No.111 of 1965 and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

gsa



To

The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai 600 034.

+1cc to M/s.G.Surya Narayanan, Advocate, S.R.No.11720

+1cc to M/s.G.Sumitra, Advocate, S.R.No.11119

W.P.No.3129 of 2022

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