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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.NO.4533 OF 2022

G.Premkumar

.. Petitioner

Vs.

1. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Coimbatore.
2. The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Coimbatore.

.. Respondents

Prayer:

Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to consider the representation dated 06.01.2022 and appoint Fit Person with respect to the administration of the Arulmighu Muthuvinayagar, Kamatchiamman, Ekambareshwarar Thirukovil, Periyakadai Veethi, Coimbatore, within a time frame.

For Petitioner : Mr.I.Abrar MD Abdullah

For Respondents : Mr.S.Yashwanth
(Additional Government Pleader)

O R D E R

This Writ Petition is filed seeking a direction to the respondents to consider the representation dated 06.01.2022 and appoint Fit Person with respect to the administration of the Arulmighu Muthuvinayagar, Kamatchiamman, Ekambareshwarar Thirukovil, Periyakadai Veethi, Coimbatore, within a time frame.



2. By consent of the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents, the Writ Petition is taken up for final disposal at the admission stage itself.

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3. The Arulmighu Muthuvinayagar, Kamatchiamman, Ekambareshwarar Thirukovil is in existence for long time in Coimbatore. The petitioner and others are performing activities of the temple. According to the petitioner, he is the Secretary of the temple and the temple is managed by Visvakarma Community. While so, some third parties interfered with the management of the temple. The petitioner and others filed O.A.No.31 of 2019 before the 1st respondent. The 1st respondent, after enquiry, framed draft Scheme and called for objections if any and subsequently, the 1st respondent published the scheme to administer the temple by proceedings dated 29.07.2021. Even though the Scheme is framed, the 1st respondent did not take any steps to implement the Scheme by appointing Hereditary and Non-Hereditary Trustees. In order to safeguard the property and jewels of the temple and smooth functioning of the temple, the petitioner made representation dated 06.01.2022 to the 1st respondent to appoint a Fit Person till the Scheme is implemented. Since the 1st respondent has not passed any order, the petitioner has come out with the present Writ Petition.

4. Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents and perused the entire materials available on record.

5. Considering the above facts that there is some dispute with regard to management of the temple and the properties and jewels of the temple are to be protected, the 1st respondent is directed to consider the representation of the petitioner and pass orders on merits and in accordance with law, after hearing the petitioner and other interested persons if any, within a period of four weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gsa



To

1. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Coimbatore.
2. The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Coimbatore.

+1cc to Mr.I.Abrar MD Abdullah, Advocate, S.R.No.14300
+1cc to the Government Pleader, S.R.No.13719

W.P.No.4533 of 2022

NMI (CO)
PM/21/03/2022