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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition No.7006 of 2022

B.Ramakrishnan Reddy

.. Petitioner

Vs.

1.The Commissioner
The Tamil Nadu Hindu Religious and
Endowment Board
Uttamar Gandhi salai
Nungambakkam
Chennai-600 034.

2.The Joint Commissioner
The Tamil Nadu Hindu Religious and
Endowment Board
Kottai Mariyamman Koil Campus
Salem-1.

3.The Assistant Commissioner
The Tamil Nadu Hindu Religious and
Endowment Board
Kottai Mariyamman Koil Campus
Salem-1.

4.The Executive Officer
Arulmigu Tharamangalam
Sri Kailasa Nathar Temple
Tharamangalam Post
Omalar Taluk
Salem District - 636 502.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 2nd respondent to consider and dispose the petitioner's appeal dated 09.02.2022 within the time as stipulated by this Court.



For Petitioner : Ms.S.Jessimonika
for Mr.R.Balaguru Swamy
For Respondents : Mr.N.R.R.Arun Natarajan
Special Government Pleader

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O R D E R

This Writ Petition is filed for the limited relief to issue a direction to the 2nd respondent to consider and dispose the petitioner's appeal dated 09.02.2022, within the time as stipulated by this Court.

2.By consent of the learned counsel appearing for the petitioner as well as Mr.N.R.R.Arun Natarajan, the learned Special 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, on 20.03.2019, he has submitted an application to appoint him as permanent Trustee of Soragaimalai Arulmighu Sri Vettaraya Perumal Thirukoil. He filed Writ Petition No.21617 of 2019 for a direction to the 2nd respondent to consider and dispose of his representation. This Court, by the order dated 23.07.2019, dismissed the said Writ Petition as withdrawn and directed the petitioner to make a proper application under Section 63(b) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as "the Act"). As per the said order of this Court, the petitioner made an application to the 1st respondent on 11.02.2021 praying to appoint him as permanent Trustee to maintain the temple. On receiving the said application, the 1st respondent directed the 2nd respondent to conduct enquiry and pass orders on the application of the petitioner. The 2nd respondent issued a direction to the 3rd respondent to dispose of petitioner's application and communicate the same to the respondents 1 and 2. The 3rd respondent vide proceedings in Na.Ka.No.27/2019/Aa-2, dated 10.01.2022 passed an order rejecting the application of the petitioner to appoint him as permanent Trustee of the temple. Challenging the said order, the petitioner filed appeal before the 2nd respondent on 09.02.2022. Since no order was passed on the said appeal, the petitioner has come out with the present Writ Petition for speedy disposal of the said appeal.

4.The learned Special Government Pleader appearing for the respondents submitted that under Section 63(b) of the Act, the Joint Commissioner, the 2nd respondent herein is the authority to pass orders on the application of the petitioner appointing him as permanent Trustee. By mistake, the Joint Commissioner,



the 2nd respondent instead of deciding the application of the petitioner, has forwarded the same to the Assistant Commissioner, the 3rd respondent herein. Hence, a direction may be issued to the 2nd respondent to treat the present appeal filed by the petitioner as an application under Section 63(b) of the Act to appoint the petitioner as permanent Trustee and pass orders. The learned Special Government Pleader appearing for the respondents has also submitted that the present appeal is filed by four persons including the petitioner.

5. Considering the above submissions made by both sides, the petitioner is directed to make a fresh application under Section 63(b) of the Act before the 2nd respondent to appoint him as permanent Trustee. If any such application is filed before the 2nd respondent, the 2nd respondent is directed to consider the same and pass orders on merits and in accordance with law, without forwarding it to the 3rd respondent, within a period of four (4) weeks thereafter.

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

Sd/-
Assistant Registrar(CS IV)

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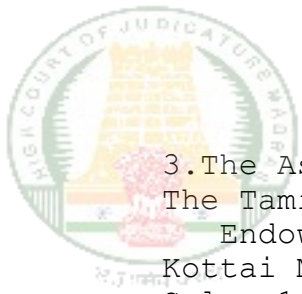
Sub Assistant Registrar

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To

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Salem District - 636 502.

+1 cc to Mr.R.Balagurusamy, Advocate Sr.NO. 19750
+1 cc to Government Pleader Sr.NO. 20075

W.P.No.7006 of 2022

GPL(CO)
A.SK(18/04/2022)