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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No.7725 of 2022

S.Sarveshwaran Achari,
S/o.Sambantham Achari,
Managing Trustee,
Chennai Sri Kalikambal Kamteswara Devasthanam,
No.212, Thambu Chetty Street,
Chennai - 600 001. .. Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Tourism, Culture and Endowments Department,
Fort St. George, Chennai - 600 009.
- 2.The Commissioner,
Hindu Religious & Charitable Endowments Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.
- 3.The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
Chennai Division-I,
Yadhaval Street, Padi,
Chennai - 600 050. .. 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 Petitioner's Representation dated 09.06.2021 seeking extension of the tenure of the present trustees by one more year from 23.09.2022 in modification of the term stated in G.O.Ms.No.103, Tourism and Culture and Endowment Department dated 23.09.2020 within a period to be prescribed by this Court.

For Petitioner : Mr.P.G.Thiyagu

For Respondents: Mr.N.R.R.Arun Natarajan
Special Government Pleader



O R D E R

The petitioner has come out with the present Writ Petition for a direction to the respondents consider the representation of the petitioner dated 09.06.2021.

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2. Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents and perused the entire materials on record.

3. According to the petitioner, he is the Managing Trustee of Arulmigu Kalikambal Kamteswarar Temple. This Court framed a scheme for Management and Administration of the Arulmigu Kalikambal Kamteswarar Temple in a Scheme Decree dated 25.09.1935 in C.S.No.62 of 1933. As per the Scheme Decree framed by this Court, the term of Office of Trustees is three years. The election to the Board of Trustees was held on 16.02.2020. The present Board of Trustees were elected in terms of Scheme Decree. The names of five elected Trustees were sent to Hindu Religious & Charitable Endowments Department for approval. The 1st respondent by G.O.Ms.No.103, Tourism and Culture and Endowment Department, dated 23.09.2020, approved the names of the elected Trustees, but fixed the tenure of the Trustees only as two years. The Trustees have to maintain list of eligible voters from 1st April to 30th September of every year. Due to COVID-19 lock-down from 25.04.2021 to 27.06.2021 and further lock-down periodically upto 23.01.2022, the temple was kept closed. In view of the same, the Trustees could not prepare the list of eligible voters. Therefore, the petitioner has given a representation dated 09.06.2021 to the respondents and has come out with the present Writ Petition as the respondents have not passed any order in the said representation.

4. Mr. N.R.R. Arun Natarajan, learned Special Government Pleader appearing for the respondents submitted that eight weeks time may be given to the 1st respondent to consider the representation of the petitioner and on instructions, further submitted that till orders are passed in the representation, the term of the petitioner will not be disturbed.

5. From the copy of the representation of the petitioner dated 09.06.2021, it is seen that the petitioner is seeking the relief of extension of term of the Trustees for one year. The representation of the petitioner is dated 09.06.2021 and the 1st respondent has not passed any orders till date.

6. In view of the above materials, the petitioner is directed to give a fresh representation within a period of two weeks from the date of receipt of a copy of this order. On receipt of said representation, the 1st respondent is directed to consider the representation within eight weeks thereafter. Till



orders are passed in the representation, the respondents are directed not to disturb the term of the petitioner.

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

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
The State of Tamil Nadu,
Tourism, Culture and Endowments Department,
Fort St. George, Chennai - 600 009.
2. The Commissioner,
Hindu Religious & Charitable Endowments Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam,
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3. The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
Chennai Division-I,
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Chennai - 600 050.

+1cc to Mr.P.G.Thiyagu, Advocate SR.No.21225

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NRL (CO)
GMY (12/04/2022)