



WEB COPY



W.P. No. 25861 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 25861 of 2022

K.Selvamani

... Petitioner

-VS-

1. Commissioner
Hindu Religious and Charitable Endowment
Chennai – 600 034.
2. Assistant Commissioner
Hindu Religious and Charitable Endowment
Villupuram, Villupuram District.
3. Assistant Commissioner
Hindu Religious and Charitable Endowment
Tiruvannamalai, Tiruvannamalai District.
4. Joint Commissioner
Hindu Religious and Charitable Endowment
Villupuram, Villupuram District.
5. Joint Commissioner
Hindu Religious and Charitable Endowment
Tiruvannamalai, Tiruvannamalai District.
[R4 and R5 impleaded vide order dated
26.10.2022 made in M.P. No. 25638 of
2022 passed by this Court]

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Third Respondent to



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dispose the representation dated 06.07.2021 pertaining to appointment of hereditary trustee and pass such further and other orders as this Court deem fit and proper in the circumstances of the case.

For Petitioner : Ms. Sujatha Gunaseelan
For Respondents : Mr. M.Bindran
Additional Government Pleader

ORDER

Heard Ms. Sujatha Gunaseelan, Learned Counsel for the Petitioner and Mr. M.Bindran, Learned Additional Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. It is the case of the Petitioner that his father, viz., Kasi, was the Hereditary Trustee of the Temple of Arulmigu Ponniamman Temple, Vellur Village, Polur Taluk, North Arcot District and on his death on 11.05.2005, the Petitioner as his elder son had succeeded as the Hereditary Trustee of the said Temple and he had made a representation dated 06.07.2021 to the Fifth Respondent and as no orders has been passed thereon, this Writ Petition has been filed.



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3. Having regard to the limited nature of relief sought by the Petitioner, this Court without expressing any view on the correctness or entitlement of the claim made by the Petitioner, passes the following order:-

- (i) it shall be incumbent upon the Respondents to immediately examine the representation 06.07.2021 made by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the benefits claimed;
- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 15 days for the same;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the concerned parties including the Petitioner to explain their position in that regard; and
- (iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated by 31.01.2023 under written acknowledgment.



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4. In fine, the Writ Petition is disposed on the aforesaid terms. No costs.

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Index: Yes/No

Note: Issue order copy by 30.11.2022.

To

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Hindu Religious and Charitable Endowment
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2. Assistant Commissioner
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P.D. AUDIKESAVALU, J.

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