



W.P. No. 31480 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2022

CORAM

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

W.P. No. 31480 of 2022

D.K.Ravi Bhattacharya

... Petitioner

-VS-

1. The Commissioner
Hindu Religious and Charitable Endowments
Administration Department
Chennai – 600 034.
2. The Joint Commissioner
Hindu Religious and Charitable Endowments
Administration Department
Kottai Mariamman Temple Complex
Near Salem Old Bus Stand, Salem-636 001.
3. The Assistant Commissioner
Hindu Religious and Charitable Endowments
Administration Department
Sengundar Marriage Hall Complex
Kumaraswamypet, Dharmapuri Town
Dharmapuri District.
4. The Executive Officer
Hindu Religious and Charitable Endowments
Administration Department
Kottai Mallikarjeeneswar Temple Complex
Dharmapuri District.

... Respondents

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



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to conduct a proper inquiry and decide the application filed by the Petitioner on 29.10.2022 for under section 63 of the Tamilnadu Hindu Religious and Charitable Endowment Act, 1959 and to declare the Petitioner as the Chief Pattacharyar (Archakar) on the basis of performing pooja as Pattacharyar for more than 40 years in 'Kottai Arulmigu Shri Vara Mahalakshmi Sametha Paravasudeva Perumal Temple, within a reasonable time to be fixed by this Court.

For Petitioner : Mr. P.M.Jayachandran

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

ORDER

Heard Mr. P.M.Jayachandran, Learned Counsel for the Petitioner and Mr. N.R.R.Arun Natarajan, Learned Special Government Pleader, who takes notice 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 he had made an application dated 29.10.2022 under Section 63 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, before the Second Respondent for declaring him as the Chief Bhattachariyar (Archakar) of Kottai Arulmigu Shri Vara



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Mahalakshmi Sametha Paravasudeva Perumal Temple and as no orders has been passed thereon, this Writ Petition had been filed.

3. Learned Special Government Pleader appearing for the Respondents, on instructions, states that the said application would be disposed within a period of four weeks.

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

- (i) the concerned authority shall immediately examine the application dated 29.10.2022 made by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief 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 Petitioner to explain its position in that regard; and



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(iv) a reasoned order shall be passed dealing with each of the contentions

WEB COPY raised on merits and in accordance with law and the decision taken

communicated by 31.01.2023 under written acknowledgment.

6. In the result, the Writ Petition is disposed on the aforesaid terms. No costs.

25.11.2022

Maya

Index: Yes/No

Note: Issue order copy by 09.12.2022.

To

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Administration Department
Chennai – 600 034.

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Copy to

The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.



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P.D. AUDIKESAVALU, J.

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