



W.P.No.33077 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.12.2022

CORAM:

THE HON'BLE **MR.JUSTICE N.SATHISH KUMAR**

W.P.No.33077 of 2022

R.Devadhi Dixshitar

... Petitioner

Vs.

1.The Commissioner
Hindu Religious and Charitable
Endowment Department
Uttamar Gandhi Road
Nungambakkam
Chennai 600 034

2.The Joint Commissioner
Hindu Religious and Charitable
Endowment Department
Uttamar Gandhi Road
Nungambakkam
Chennai 600 034

3.The Assistant Commissioner
Hindu Religious and Charitable
Endowment Department
Uttamar Gandhi Road
Nungambakkam
Chennai 600 034



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4.The Secretary
Hindu Religious and Charitable
Endowment Department
Uttamar Gandhi Road
Nungambakkam
Chennai 600 034

5.The Trustees
Sri AgasthiyarAshrama
No.14, Raja Street
Chennai 600 017

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Mandamus, to direct the 1st respondent to appoint the petitioner as the Archaka in the 5th respondent temple by considering his representation dated 03.10.2022.

For Petitioner : Mr.M.Maharaja

For Respondents : Mr.N.R.R.Arun Natarajan
Spl. Government Pleader (HR&CE)
for R1 to R4

ORDER

The Writ Petition is filed under Article 226 of Constitution of India praying for issuance of Writ of Mandamus, to direct the 1st respondent to appoint the petitioner as the Archaka in the 5th respondent temple by considering his representation dated 03.10.2022.



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2.It is the case of the writ petitioner that he was originally appointed as archaka by the Joint Commissioner, H.R. & C.E. vide proceedings in Se.Mu.Na.Ka.No.01/2012 dated 27.01.2012 for a monthly salary. Now, the petitioner has submitted his representation dated 08.08.2022 to appoint him once again as archaka and seeks direction of this Court to consider his representation.

3.Mr.N.R.R.Arun Natarajan, the learned Special Government Pleader takes notice for H.R.& C.E., The learned counsel brought to the notice of this Court that the appointment of a fit person to the temple has been challenged in W.P.Nos.3418, 3419 of 2012 and 25246 of 2016 and this Court allowed the writ petitions and set aside the appointment of a fit person and the matter has been remanded back to the respondents to initiate fresh proceedings and to conclude the proceedings within a period of six months. Therefore, he added that as on date, the appointment of a fit person to the temple has been set aside and this Court has directed the respondents to issue a fresh notice to decide as to whether the institution falls within the ambit of H.R.&C.E.. The respondents have no power to



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consider the representation of the petitioner till the decision is arrived by the Commissioner of H.R.&C.E. under the H.R.&C.E. Act.

4.Such view of the matter, it is well open to the petitioner to approach the temple authorities for the present. In the event, the respondents take a decision within a period as directed by this Court and holds that Temple is under their control, the respondents may consider the representation of the petitioner then.

5.With the above direction, this writ petition stands disposed of.

No costs.

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Index : yes / no

Internet : yes / no

Speaking / Non speaking

To



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N.SATHISH KUMAR, J.



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