



W.P.(MD)No.25227 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :08.11.2022

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.(MD)No.25227 of 2021

S.Kannan

... Petitioner

Vs.

1.The District Collector,
Thanjavur.

2.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
No.119, Uthamar Gandhi Road,
Chennai-34.

3.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
NSC Bose Road,
Ramani Nagar,
Thanjavur.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the third respondent herein to take over the administration of the Sri Venkatachalapathy Swamy Temple at No.38, Rayanthur Village, Thanjavur Taluk by considering the representation of the petitioner dated 06.05.2022 and by implementing the



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order passes by the first respondent in his proceedings in Na.Ka.A2/4110/2022 dated 31.05.2022.

For Petitioner :N.Sankar Ganesh
For Respondents :Mr.P.Subbaraj
Special Government Pleader

ORDER

This writ petition is filed praying to direct the third respondent herein to take over the Administration of the “Sri Venkatachalapathy Swamy Temple” at No.38, Rayanthur Village, Thanjavur Taluk by considering the representation of the petitioner dated 06.05.2022 and by implementing the order passed by the first respondent in his proceedings in Na.Ka.A2/4110/2022 dated 31.05.2022.

2.It is submitted that the petitioner is a resident of Thanjavur. There is a Village Temple in the name of Sri Venkatachalapathy Swamy Temple, in which the ancestral deity Katteri Amman and other deities are placed and worshipped by the people belonging to the petitioner's community. It is submitted that the ancestors of the petitioner gifted 64 cents of land as Inam for the purpose of Pooja Expenses and maintenance of



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the Temple and the same is also reflected in the relevant revenue records.

However, during the year 2017, there were certain issues raised by a group including one Soundar. Pursuant to which, a suit in O.S.No.48 of 2017 was filed for declaration to declare the petitioner as “First Karaitharar”. The said suit is stated to be pending and it is submitted that the property is being encroached by third parties. In view of the same, the petitioner submitted a representation dated 06.05.2022, to the first respondent, requesting to take over the temple and its property. Pursuant to which, the first respondent issued a proceedings dated 31.05.2022 directing the 3rd Respondent to take appropriate action on the representation of the petitioner. The petitioner also submitted the representation to Chief Minister's Special Cell and Secretarty to Government, Hindu Religious and Charitable Endowments Department on 06.05.2022, however, the same is pending consideration. Aggrieved by the inaction of the respondents the petitioner has filed the present writ petition.

3.Mr.P.Subbaraj, learned Special Government Pleader, appearing on behalf of the respondents submitted that the above representation shall



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be considered and appropriate orders will be passed in accordance with law.

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4.Considering the limited scope of the prayer sought for in this writ petition, there shall be a direction to the appropriate respondent to consider the representation of the petitioner, dated 06.05.2022 and pass appropriate orders on merits and in accordance with law, within period of eight weeks from the date of receipt of a copy of this order, after affording a reasonable opportunity to the petitioner and other stake holders/interested parties, if any. It is made clear that this Court has not expressed any views with regard to the merits of the representation and it is open to the respondents to consider the representation on its own merits.

5.With the above direction, this writ petition is disposed of. No costs.

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Index : Yes / No

Speaking Order/Non-speaking order

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MOHAMMED SHAFFIQ, J.

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