



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P. [MD]No.19854 of 2017

V.Murugesan

: Petitioner

Vs.

1. State rep. by its Government Secretary,
Hindu Religious and Charitable Endowments,
Secretariat, Chennai.

2. The Commissioner,
Hindu Religious and Charitable Endowments,
1119, Uthamar Gandhi Salai,
Nungambakkam, Chennai - 34.

3. The District Collector,
Office of the District Collector,
Ramanathapuram,
Ramanathapuram District.

4. The Joint Commissioner,
Arulmighu Ramanathaswamy Thirukovil,
Rameswaram, Ramanathapuram District.

5. S.Kannan
(Impleaded vide Court order dated 27.11.2017
in W.M.P(MD) No.17948/17)

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents to consider the petitioner's representation dated 28.09.2017 and consequently direct the fourth respondent to allow the petitioner's sangam members to do their hereditary job to lead their livelihood.

For Petitioner : Mr.R.Senthil Kumar

For Respondents : Mr.A.Baskaran,

Addl.Government Pleader for R1 to R3

Mr.S.Ramesh for R4

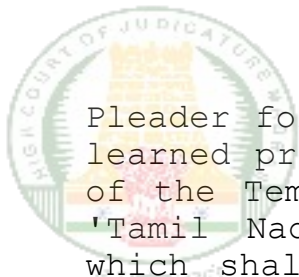
Mr.Kaviarasan

for Mr.O.Thevankumar for R5

O R D E R

Mr.R.Senthil Kumar, learned counsel on record for the lone writ petitioner, Mr.A.Baskaran, learned Additional Government

<https://hcservices.ecourts.gov.in/hcservices/>



Pleader for respondents 1 to 3 (official respondents), Mr.S.Ramesh, learned private counsel for the fourth respondent-Executive Officer of the Temple concerned in the cadre of Joint Commissioner of the 'Tamil Nadu Hindu Religious & Charitable Endowments Department' which shall hereinafter be referred to as 'TNHR&CE Dept' for the sake of convenience and clarity and Mr.Kaviarasan, learned counsel representing the counsel on record for the fifth respondent (private respondent) are before this virtual Court.

2. All the aforementioned counsel and State counsel submit that the captioned matter turns on a simple mandamus prayer qua 'representation dated 28.09.2017' (hereinafter 'said representation' for the sake of convenience and clarity) given by the writ petitioner pertaining to tonsure service in the temple concerned.

3. Writ petition was filed on 23.10.2017, pending writ petition, the fifth respondent took out W.MP(MD) No.17948 of 2017 to implead himself. The implead prayer was acceded to vide order dated 27.11.2017 and the fifth respondent stands so added as a co-respondent.

4. Learned private counsel for the fourth respondent, advertng to the counter-affidavit of fourth respondent dated 16.11.2017 and more particularly, paragraph 17 thereat submits that an inquiry for disposing of said representation had commenced, one of the parties had responded and the other was yet to respond as to the date of the counter-affidavit. To be noted, this appears to be a tussle between the writ petitioner and fifth respondent qua tonsure service in the temple concerned. Owing to the narrow compass of the captioned writ petition, I do not want to express any opinion or view on the merits of the matter.

5. A scanned reproduction of paragraph 7 of the counter-affidavit of fourth respondent is as follows:

7) In any case, I have initiated enquiry on the issue raised by the petitioner and on 27th of October 2017, the process of enquiry has commenced. The members of the petitioner Sangam have appeared before me and have submitted their version. The members of the other so called Barber Welfare Sangam and other persons against whom the petitioner has lodged their grievance are yet to submit their reply. On receiving their submissions, after enquiry, and hearing all the parties concerned, we will pass appropriate orders. Hence the present writ petition need not be ordered and issued Writ of Mandamus as prayed for.



6. In the light of the narrative thus far, if the inquiry qua said representation has been completed by the fourth respondent, the fourth respondent shall pass orders and communicate the same to the writ petitioner and the fifth respondent under due acknowledgment within four weeks from today i.e., on or before 03.02.2022. If orders have already been made, the same shall be duly served on writ petitioner and fifth respondent within this time frame. If the inquiry itself remains incomplete, the same shall be completed on the merits of said representation in accordance with law within this time frame and proceedings disposing of the said representation shall be duly served on the writ petitioner and fifth respondent under due acknowledgment within this time frame i.e., on or before 04.02.2022.

7. The above draws the curtains on the captioned simple mandamus writ petition. Captioned writ petition is disposed of with the above directive. Though obvious, for the purpose of specificity, it is made clear that this Court has not expressed any view or opinion on merits of the matter. There shall be no order as to costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Pkn

To

1. Secretary,
Hindu Religious and Charitable Endowments,
Secretariat,
Chennai.
2. The Commissioner,
Hindu Religious and Charitable Endowments,
1119, Uthamar Gandhi Salai,
Nungambakkam,
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3. The District Collector,
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Ramanathapuram,
Ramanathapuram District.



4. The Joint Commissioner,
Arulmighu Ramanathaswamy Thirukovil,
Rameswaram, Ramanathapuram District.

+1 CC to M/s.R.SENTHIL KUMAR, Advocate (SR-670[F] dated 06/01/2022)

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