



Writ Petition No.8971 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.08.2023

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

Writ Petition No.8971 of 2023

V.Subbaraj

... Petitioner

Vs

1.The Secretary,
Government of Tamil Nadu
Hindu Religious and Charitable Endowmmment Department,
St.George Fort, Chennai – 600 009.

2.The Commissioner,
Hindu Religious and Charitable Endowmmment Department,
No.119, Uttamar Gandhi Salai, Nungambakam,
Chennai – 600 034.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified calling for the records in respect of the impugned order issued in Na.Ka.No.1804/2021 A4 dated 05.05.2022 issued by the 2nd respondent and to quash the same.

For Petitioner : Mr.L.Sriram

For Respondents : Mr.N.R.R.Arun Natarajan
Special Government Pleader (HR&CE)



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Writ Petition No.8971 of 2023

ORDER

The writ petition is filed challenging the communication of the Assistant Commissioner, Perambalur addressed to the 2nd respondent herein dated 05.05.2022. By impugned communication, the Assistant Commissioner recommended to the 2nd respondent that installation of the Flag mast in Arulmigu Angalamman Thirukovil (Kudipadu Thirukoil) Manaparai Village, Musiri Taluk, Tiruchirapalli District is opposed by a group of village people and therefore installation of Flag mast may be dropped.

2. The learned counsel appearing for the petitioner submitted that earlier the 2nd respondent permitted installation of Flag mast and all the preparations for installation are ready. At this juncture, the Assistant Commissioner, Perambalur has sent the impugned communication stalling the installation of the Flag mast.

3. A perusal of the impugned communication would suggest, at the request of the petitioner, the 2nd respondent permitted installation of



Flag mast in the above said temple. However, some of the villagers by letter dated 05.05.2022 objected to installation of Flag mast in the temple.

Thereafter, the jurisdictional Assistant commissioner conducted field enquiry and also obtained opinion from Aagamam expert. Based on his field enquiry and Aagamam expert opinion, the Assistant Commissioner recommended to the 2nd respondent that installation of Flag mast in the above mentioned temple is not at all necessary. The said communication is challenged by the writ petitioner. First of all, the writ petitioner has not impleaded the author of the communication as a party/respondent.

4. Further it is only an inter departmental communication from Assistant Commissioner, Perambalur, to higher Officer, namely the 2nd respondent. Therefore, the final decision has to be taken by the 2nd respondent, who earlier permitted installation of the Flag mast. In these circumstances, this Court is inclined to issue a direction to the 2nd respondent to take a final decision on the recommendations of the Assistant Commissioner, Perambalur after issuing notice to the petitioner as well as the other interested parties within a period of eight weeks from the date of receipt of copy of this order.



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Writ Petition No.8971 of 2023

5. With these observations, this writ petition stands disposed
of. No costs.

21.08.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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To

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