



WEB COPY



W.P.No.20683 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.08.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.20683 of 2023 and
W.M.P. Nos.20039 and 20041 of 2023

Sarvesh Kumar

...Petitioner

Vs.

1. The Commissioner
Hindu Religious and Endowment (Admin)
No.119, Uttamar Gandhi Road,
Nungambakkam,
Chennai – 600 034
2. The Joint Commissioner
Hindu Religious and Endowment
Villupuram
Villupuram District – 605 602.
3. The Assistant Commissioner
Hindu Religious and Endowment
Villupuram
Villupuram District – 605 602.
4. The District Collector
Collectorate
Villupuram District



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5. Roja

(R5 impleaded vide Order dt.27.07.2023
made in WMP.21509 of 2023 in
WP.20683 of 2023 by SSJ)

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records in No.4619/2002/A2 dated 20.02.2023 on the file of the respondents and quash the same.

For Petitioner : Mr. L. Sriram

For Respondents 1 to 3 : Mr. K. Karthikeyan
Government Advocate(HR & CE)

For respondent 4 : Mr. Selvaraj
Additional Government Pleader

For respondent 5 : Mr. M. Aarun Eshe
for M/s.A.V. Arun

ORDER

The Writ petition is filed challenging the order passed by the 3rd respondent in appointing a fit person to a temple called Arulmigu Draupathi Amman Koil, Marakkanam, Villupuram District.

2. It is the case of the petitioner that said Arulmigu Draupathi Amman Koil was under the trusteeship of one Mannadhan Pillai. It is further stated by the petitioner that based on the letter allegedly given by the said trustee, the 3rd



respondent proceeded to appoint a fit person for the temple. It is the specific case of the petitioner that the above said trustee never submitted a letter to HR & CE Department requesting them to take over the temple. It is also stated that the signature of the said trustee was obtained by one Roja/5th respondent herein in blank papers and a letter was concocted and submitted before the 3rd respondent. In this regard, the said trustee himself have filed a representation before the 2nd respondent on 15.03.2023, wherein it was stated that taking advantage of his advanced age, his signature was obtained in a letter as if he consented for taking over of the temple by the HR & CE Department.

3. However, the said trustee has not filed this Writ petition. The Writ petition is filed by the third party claiming himself as a person interested in the administration of the temple. In such circumstances, this court is not inclined to interfere with the order passed by the 3rd respondent appointing fit person to the temple as somebody should be in charge of the temple to look after the administration. However, in view of the dispute raised by the petitioner in his affidavit as if the signature of the erstwhile trustee was obtained by taking advantage of his advanced age, this Court is inclined to issue a direction to the 2nd respondent to consider the representation dated 15.03.2023.



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4. At this juncture, the learned Government Advocate appearing for the respondents submitted that petitioner has not produced any proof for submission of the representation before the 2nd respondent. Therefore, this court is inclined to issue a direction to the petitioner to submit a fresh representation to the 2nd respondent regarding his grievances within a period of two weeks from the date of receipt of a copy of this order. If any such representation is submitted by the petitioner, the same shall be considered by the 2nd respondent and final orders shall be passed within a period of eight weeks after issuing notice to the petitioner, erstwhile trustee one Mannadhan Pillai, the 5th respondent herein and other interested parties.

5. With these observations, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

24.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
nr/shl



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S.SOUNTHAR, J.
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