



WEB COPY



W.P.No.24694 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.24694 of 2023

M.S.R.Vedachalam

...Petitioner

Vs.

1.The District Collector,
Collectorate,
Nagapattinam – 611001.

2.The Commissioner,
HR & CE Department,
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai 600 034.

3.The Joint Commissioner,
HR & CE Department
Nagapattinam – 611 003.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents herein to consider the representation dated 24.10.2019 sent to the second respondent and



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representation dated 06.12.2021 sent to the respondents 1 and 3 to take necessary action to retrieve the administration of the Temple from persons who are illegally occupying the Office of Hereditary Trustee and restore the Office of Hereditary Trustee of Arulmigu Drowpathi Amman Temple in accordance with the HR and CE Act, 1959 within a time period.

For Petitioner : Mr.B.Arvind Srevatsa

For Respondents : Mrs.S.Anitha for R1
Special Government Pleader

: Mr.K.Karthikeyan for R2 & R3
Government Advocate (HR & CE)

ORDER

The writ petitioner herein seeks a direction to the respondents to consider the representations of the petitioner dated 24.10.2019 and 06.12.2021 and take necessary action to retrieve administration of the Arulmigu Drowpathy Amman Temple, Kochukuthagai, Ayarapakkam I Village, Vedaranyam Taluk, Nagapattinam District.

2. It is the case of the petitioner that the above said temple was managed by the ancestors of the petitioner. After the death of his father, in the



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year 2000, he has been functioning as hereditary trustee. It is further stated by the petitioner that the second respondent also passed an order recognizing the petitioner as hereditary trustee in the application filed under Section 54(1) of Hindu Religious & Charitable Endowments Act, 1959.

3. Now it is stated by the petitioner that some third parties who are connected with the temple administration are obstructing the petitioner from functioning as hereditary trustee of the temple. In this regard, the petitioner has submitted representations to the second and third respondents, but the same has not been considered by them.

4. Mrs.S.Anitha, learned Special Government Pleader takes notice for the first respondent and Mr.K.Karthikeyan, learned Government Advocate takes notice for the respondents 2 and 3.

5. The learned Government Advocate appearing for the respondents 2 & 3, on instructions, submitted that if the petitioner files a fresh representation before the third respondent, the same will be considered in accordance with law.



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6. In view of the said position, the petitioner is directed to submit a fresh representation before the third respondent within a period of two weeks from the date of receipt of copy of this order. On submission of the fresh representation by the petitioner, the third respondent is directed to consider the same and pass final orders on merits and in accordance with the law, within a period of 8 weeks from the date of submission of the fresh representation of the petitioner, after issuing notice to the persons interested.

7. With these directions, this Writ Petition is disposed of. No costs.

22.08.2023

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



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To

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dna

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