



WEB COPY



W.P.No.26802 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.09.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.26802 of 2023

G.Mohan

...Petitioner

Vs.

- 1.The Commissioner,
The Hindu Religious & Charitable Endowment Board,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai – 600 034.
- 2.The Joint Commissioner,
The Hindu Religious and Charitable Endowment Board,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai – 600 034.
- 3.The Executive Officer/Administrative Officer,
Arulmigu Sakthi Vinayagar Temple and
Arulmigu Gangaiyamman Temple,
P.T.Rajan Salai, K.K.Nagar,
Chennai – 600 078.
- 4.The Inspector of Police,
R.10 M.G.R.Nagar Police Station, Chennai.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the 3rd respondent to take appropriate legal action including criminal action on the complaint dated



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17.08.2023 within 15 days from the date of receipt of this order, consequently direct the respondents to prohibit the any unauthorized persons to collect donation by using the name of 'Sri Gangaiyamman Koil and Sri Selva Vinayagar Koil" located at Pillaiyar Koil Street, Jafferkhanpet, Chennai – 600 083.

For Petitioner : Mr.M.Pari

For Respondents 1 to 3 : Mr.S.Yashwanth
Additional Government Pleader

For Respondent 4 : Mr.P.Anandha Kumar
Government Advocate

ORDER

The petitioner herein seeks a direction to the 3rd respondent to take appropriate legal action including criminal action on the complaint of the petitioner dated 17.08.2023, within 15 days from the date of receipt of copy of this order and also seeks a direction to the respondents to prohibit any unauthorized persons from collecting donation in the name of 'Sri Gangaiyamman Koil and Sri Selva Vinayagar Koil" located at Pillaiyar Koil Street, Jafferkhanpet, Chennai – 600 083.



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2.It is the case of the petitioner that the 3rd respondent is the Executive Officer of the above said temple and he has taken charge on 27.05.2015. It is the specific case of the petitioner that even after assumption of charge by the 3rd respondent, the erstwhile Administrator of the temple continue to collect donation from the public in the name of the temple. In this regard, the petitioner submitted a representation to the respondents 1 to 3 on 17.08.2023 and the same has not been considered till date.

3.Mr.P.Anandha Kumar, learned Government Advocate takes notice for the 4th respondent. Mr.S.Yashwanth, learned Additional Government Pleader, who takes notice for the respondents 1 to 3 on instructions, submits that the representation submitted by the petitioner will be considered by the 2nd respondent on merits and appropriate orders will be passed in accordance with law.

4.Though the petitioner sought for a positive direction to the 3rd respondent to take appropriate legal action including criminal action on the basis of his complaint, this Court is not inclined to issue such a positive direction without any enquiry on the allegations made by the petitioner.



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Therefore, this Court without expressing any opinion on the allegations made by the petitioner, is inclined to direct the 3rd respondent to forward the complaint made by the petitioner dated 17.08.2023 to the 2nd respondent immediately. The 2nd respondent shall consider the representation of the petitioner dated 17.08.2023 and pass final orders on merits and in accordance with law within a period of four weeks from the date of receipt of copy of this order, after issuing notice to the petitioner and also the persons against whom the allegations are made by the petitioner.

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

13.09.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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S.SOUNTHAR, J.
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