



WEB COPY



W.P.No.25295 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.09.2023

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.25295 of 2023
and W.MP Nos. 24709,24726 of 2023

T.S.Sankar

...Petitioner

Vs.

- 1.The Additional Chief Secretary,
Government of Tamilnadu,
Secretariat, Fort St.George, Chennai.
- 2.The Commissioner,
Hindu Religious and Charitable Endowments (HR&CE) Board,
No.119, Uthamar Gandhi Salai, Thousand Lights,
Nungambakkam, Chennai – 600 034.
- 3.The Director,
Archaeological Survey of India,
Janpat, New Delhi- 110 004.
- 4.The Superintending Archaeologist
Chennai Circle,
Archaeological Survey of India,
Chennai – 9.



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5.The Executive Officer/ Joint Commissioner (HR & CE),
ArulmiguArunachaleswarar Temple,
Tiruvannamalai.

6.Jeevanantham

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 5 to take action against the 6th respondent based on my email complaint dated 01.07.2023.

For Petitioner : Mr.S. Veeraraghavan

For Respondents 1,2 & 5 : Mr. R. Shanmugasundaram,
Advocate General assisted by
Mr. N.R.R. Arun Natarajan,
Special Government Pleader

For Respondents 3 & 4 : Mr. R. Rajesh Vivekananthan

ORDER

The writ petition is filed seeking issuance of a writ of mandamus directing the respondents 1 to 5 to take action against the 6th respondent based on e-mail complaint made by him dated 01.07.2023 to the 1st respondent.



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2. According to the petitioner, he is a worshiper of the 5th respondent temple. The 6th respondent, who is elected as Chairman of the Board of Trustees of the temple is a lessee of the properties of the temple and hence, he is disqualified him from holding the post of trustee. The learned counsel for the petitioner also submitted that 6th respondent has got political affiliation and hence, he cannot be considered for appointment as trustee of a temple.

3. The petitioner raising objections regarding the disqualification of the 6th respondent submitted a representation to the 2nd respondent through E-mail dated 19.08.2023. The same has not been considered till date.

4. Whether the 6th respondent is a lessee of the temple properties or not is a disputed question of fact which cannot be gone into conveniently by this Court while exercising the jurisdiction under Article 226 of Constitution of India. In these circumstances, without expressing any opinion on the merits of the case, this Court is inclined to issue a direction to 2nd respondent to consider the representation of the petitioner dated 19.08.2023 and pass final orders on



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merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order after giving opportunity to the petitioner and the 6th respondent.

5. With the above directions, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

12.09.2023

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

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S.SOUNTHAR, J.
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