



WP No.28217 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.28217 of 2022
and WMP No.27513 of 2022

A.Rathinasamy

.. Petitioner

-VS-

1. State of Tamil Nadu
Rep. by the Commissioner,
Hindu Religious and Charitable
Endowments Department,
Chennai.
2. The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Tiruppur.
3. The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Tiruppur.
4. The Executive Officer,
Palladam Municipality,
Palladam, Tiruppur District.
5. A.Ayyasamy



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6. R.Rangasamy

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 4 to maintain and take control over the temple named "Arulmigu Magaliamman Kovil, Naaranapuram", which belongs to the Hindu Religious and Charitable Endowments Department by considering the petitioner's representation dated 19.09.2022 within a time frame as stipulated by this Court.

For the Petitioner : Mr.Manojkumar.N
For the Respondents : Mr.C.Jayaprakash
Government Advocate
for RR 1 to 3
: Mrs.R.Anitha
Spl.Govt. Pleader for r-4

* * * * *

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.Manojkumar, learned counsel for the petitioner, Mr.C.Jayaprakash, learned Government Advocate for respondent Nos.1 to 3 and Mrs.R.Anitha, learned Special Government Pleader, for respondent No.4.



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2. The petitioner seeks directions against the respondents to consider his representation. He seeks further directions against respondent Nos.1 to 4 to maintain and take control over the temple, namely, Arulmigu Magaliamman Kovil, Naaranapuram, which belongs to Hindu Religious and Charitable Endowments Department (HR & CE).

3. The prayer itself is couched erroneously. The temple cannot belong to HR & CE Department. The HR & CE Department can have a supervisory role. It is submitted by the learned counsel for the HR & CE Department that Executive Officer is appointed for the said temple on 18.07.2022. It is further submitted that respondent No.5 is not cooperating and submitting the required documents. He further submits that the scheme application bearing O.A.No.14 of 2023 is pending.

4. The learned counsel for respondent No.5 submits that the temple is meant for 'Vanniar Kula Kshatriya' community and they are managing the temple.



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5. Whatever the stand of respondent No.5 may be, he may place it before the Commissioner, HR & CE Department. The respondent No.5 cannot be heard to say that he will not cooperate in the proceedings. Respondent No.5 shall cooperate in the proceedings taken up by the HR & CE Department. The HR & CE shall decide the application filed for framing of scheme on its own merits and in accordance with law expeditiously. The parties are expected to cooperate in deciding the said application and if the parties are not cooperating, the HR & CE shall proceed further. The HR & CE shall make an endeavour to decide the said application preferably within one year.

With these observations, the writ petition is disposed of. There will be no order as to costs. Consequently, connected miscellaneous petition is closed.

(S.V.G., CJ.)

(D.B.C., J.)

15.12.2023

Index : Yes/No
Neutral Citation : Yes/No
sra



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