



WEB COPY



W.P. No. 28703 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2023

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 28703 of 2023

1. S.Sakthivel

2. M.Vijaykumar

... Petitioners

-VS-

1. The District Collector,
Collectorate,
O/o. The District Collector,
Erode – 638001.
2. The Commissioner,
Hindu Religious and Charitable Endowments Department,
No. 119, Uthamar Gandhi Road,
Nungambakkam,
Chennai – 600034.
3. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Commercial Tax Office Complex,
Balasundaram Road,
Coimbatore – 641018.
4. The Assistant Commissioner,
Hindu Religious & Charitable Endowments Department,
Ex-Service Man Complex,
Erode – 638001.
5. The Ma Maharisi Eswaraya Gurudevar,
Thabovanam Trust,
Rep. by its Trustee,
Punja Puliampatty,



W.P. No. 28703 of 2023

Erode Taluk & District – 638459.
(R5 is impleaded vide order dated 06.11.2023
in W.M.P. No. 31311 of 2023)

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents to consider the Petitioner's various representations dated 28.08.2020, 05.10.2020, 25.12.2021 and 30.07.2023 to settle a scheme for the said Trust namely, Ma Maharishi Eswaraiya Gurudevar Trust and pending such settlement to appoint a Fit Person from the officials of the HR & CE Department, Government of Tamil Nadu to take over the Control of entire administration of the said Ma Maharishi Eswaraiya Gurudevar Thabovanam.

For Petitioners : Ms. S.Kanmani Annamalai

For Respondents : Mr. S.Arumugam,
Government Advocate (for R1)

Mr. K.Karthikeyan,
Government Advocate (for R2 to R4)

ORDER

Heard Ms. S.Kanmani Annamalai, Learned Counsel for the Petitioners, Mr. S.Arumugam, Learned Government Advocate appearing for First Respondent, and Mr. K.Karthikeyan, Learned Government appearing for the Second to Fourth Respondent perused the materials placed on record, apart



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from the pleadings of the parties.

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2. Having regard to the nature of order proposed to be passed in the Writ Petition, which would not cause any prejudice to the Fifth Respondent, notice to him is dispensed with.

3. It is the case of the Petitioners that they had made representations dated 28.08.2020, 05.10.2020, 25.12.2021 and 30.07.2023 to settle the scheme for administration of the Fifth Respondent and appoint a Fit Person for carrying out its administration till such scheme is settled by the concerned authorities, but as it did not evoke any response, they have filed this Writ Petition.

4. Learned Government Advocate appearing for the Second to Fourth Respondents, on instructions, states that enquiry in the matter has commenced on 26.10.2023 and further proceedings thereon would be taken up and completed expeditiously.

5. Having regard to the limited nature of relief sought, this Court without expressing any view on the merits of the controversy involved, passes the following order:-



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(i) the concerned authority shall immediately examine the representations

dated 28.08.2020, 05.10.2020, 25.12.2021 and 30.07.2023 made by the

Petitioners including ascertaining as to whether they would be entitled for such reliefs claimed;

(ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to persons concerned requiring the same to be furnished within a time frame of not less than 10 days for the same;

(iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted following the prescribed procedure affording full opportunity of personal hearing to all persons concerned including the Petitioners and the Fifth Respondent to explain their position in that regard;

(iv) it shall be ensured that there are atleast two effective hearings every month showing progress of the case;

(v) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated under written acknowledgment; and

(vi) the report of such compliance shall be filed before the Registrar (Judicial) of the Court.



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In the result, the Writ Petition is disposed on the aforesaid terms.

Consequently, the connected Miscellaneous Petition is closed. No costs.

06.11.2023

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Index: Yes/No

NCS : Yes/No

Note: Issue order copy by 11.12.2023.

To

1. The District Collector,
Collectorate,
O/o. The District Collector,
Erode – 638001.
2. The Commissioner,
Hindu Religious and Charitable Endowments Department,
No. 119, Uthamar Gandhi Road,
Nungambakkam,
Chennai – 600034.
3. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Commercial Tax Office Complex,
Balasundaram Road,
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4. The Assistant Commissioner,
Hindu Religious & Charitable Endowments Department,
Ex-Service Man Complex,
Erode – 638001.

Copy to

1. The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.



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2. The Ma Maharisi Eswaraya Gurudevar,
Thabovanam Trust,
Rep. by its Trustee,
Punja Puliampatty,
Erode Taluk & District – 638459.



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P.D. AUDIKESAVALU, J.

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