



W.P.(MD)No.7728 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.04.2023

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD)No.7728 of 2023

S.Nathappudaiyar

... Petitioner

vs.

- 1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Trichy.
- 2.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Trichy.
- 3.The Executive Officer / Fit Person,
Arulmigu Malpoondi Vinayagar & Mariamman Temple,
Muthappanudaiyanpatti,
Having Office at Nallandavarkovil,
Manapparai & Taluk,
Trichy District.
- 4.A.Selvaraj
- 5.Sivasamy
- 6.Kumarasamy
- 7.Murugan
- 8.Soundar
- 9.Karuppudayar
- 10.Arumugam

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents 1 to 3 to consider the petitioner's representation dated 11.01.2022 and take steps to conduct enquiry and take appropriate action against the respondents 4 to 10 within the time limit that may be prescribed by this Court.

For Petitioner : Mr.M.Karthikeyavenkitachalapathy

For Respondents : Mr.P.Subbaraj,
Special Government Pleader
for R1 and R2

Mr.G.Madhavan for R3

ORDER

The above writ petition has been filed for directing the respondents 1 to 3 to consider the petitioner's representation dated 11.01.2022 and take steps to conduct enquiry and take appropriate action against the respondents 4 to 10.

2. The petitioner seeks to have proper enquiry conducted in respect of certain malpractices and mismanagement that has been done by the



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respondents 4 to 10 with regard to the Temple Festival for the year 2019.

The petitioner's case is that he has been time and again requesting the Authorities to take action. However, the same has not been heeded to. Further, from the information obtained through the Right to Information Act, the petitioner has come to learn that the annual Temple income has reduced from a sum of Rs.22,411/- to a mere sum of Rs.1,500/-, all of which is on account of the actions of the respondents 4 to 10. Since no action was being initiated, the petitioner has submitted a representation dated 11.01.2022 to the respondents 1 to 3 and they have also not taken action. Hence, the petitioner is before this Court.

3. When the matter came up for hearing today, the learned Special Government Pleader appearing for the respondents 1 and 2 would submit that the petitioner's son has now been nominated as a non-hereditary Trustee and he can initiate action in this regard.

4. Admittedly, the Temple comes under the control of the respondents 1 to 3 and the respondents 1 to 3 cannot abdicate power to a



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third party by stating that it is for the non-hereditary Trustee, who is now appointed to take action. The respondents 1 to 3 are shirking their responsibility. Therefore, a mandamus is issued to the first respondent to consider the representation of the petitioner, issue notice and afford personal hearing to all concerned and thereafter, pass a reasoned award within a period of six weeks from the date of receipt of a copy of this order. Accordingly, the writ petition is allowed. No costs.

06.04.2023

NCC:Yes/No

Index:Yes/No

Speaking/Non-speaking order

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To

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Hindu Religious and Charitable Endowment Department,
Trichy.
- 2.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Trichy.



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P.T.ASHA, J.

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