



W.P.(MD) No.9435 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.9435 of 2023

1.S.Pakiyaraja Velar

2.R.Sasikumar Velar

3.R.Sonaimuthu Velar

... Petitioners

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Sivagangai,
Sivagangai District.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Ramanathapuram,
Ramanathapuram District.

3.The Inspector,
Hindu Religious and Charitable Endowment Department,
Paramakudi Circle,
Ramanathapuram District.

4.Ganesan

5.Arumugam

... Respondents



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Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the first respondent to number the unnumbered O.A.No. Of 2021 on the file of the first respondent and to complete the proceeding in accordance with law within a stipulated period as framed by this Court.

For Petitioner : Mr.A.Sankararamasubramanian
For R1 to R3 : Mr.P.Subbaraj
Special Government Pleader

ORDER

The petitioner herein had filed a petition seeking to have a scheme decree drawn up in respect of the temple and to declare them as a trustee of the temple. The said petition along with all relevant documents were submitted before the first respondent on 29.01.2022 and the first respondent returned it on 09.02.2022. After compliance of the return, the petition was presented before the first respondent and once again on 05.04.2023, the same has been returned setting-forth five reasons. Therefore, the petitioner has come before this Court seeking a mandamus directing the first respondent to number the said petition.



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2. Heard the learned counsel appearing on either side.

3. Nowhere in the scheme of the Act is there a provision for the first respondent to refuse to take on file a petition . The first respondent, who is exercising quasi-judicial powers, are required to take the petition on file and pass orders on merits. Since the said orders returning the petition are not as per the procedure, the same are set aside. Accordingly, the writ petition is allowed and the matter is remitted back to the first respondent with a direction that they shall number/take on file the petition and pass appropriate orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order. No costs.

24.04.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes

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To

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Sivagangai District.
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Ramanathapuram District.
- 3.The Inspector,
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P.T.ASHA, J.

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