



W.P.(MD) No.12999 of 2023

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 06.06.2023**

**CORAM:**

**THE HONOURABLE MS.JUSTICE P.T.ASHA**

W.P.(MD) No.12999 of 2023

S.Jeyakumar

... Petitioner

Vs.

The Joint Commissioner,  
Hindu Religious and Charitable  
Endowments Department,  
No.40, Muthusamy Nagar,  
Thirupathur Road,  
Sivagangai,  
Sivagangai District.

... Respondent

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondent to number the original application and proceed the case filed by the petitioner on 20.03.2023 to frame a scheme under Section 64(1) of the Act to manage Arulmigu Subramaniasamy Temple, situated at Kuyavankudi, Ramanathapuram Taluk, Ramanathapuram District.

For Petitioner : Mr.C.Guhaseelarupan

For Respondent : Mr.P.Subbaraj  
Special Government Pleader



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## **ORDER**

This writ petition has been filed seeking a mandamus to the respondents to number the original application and proceed the case filed by the petitioner on 20.03.2023 for framing a scheme under Section 64(1) of the Act to manage the Arulmigu Subramaniasamy Temple, situated at Kuyavankudi, Ramanathapuram Taluk, Ramanathapuram District.

2. From the perusal of the affidavit filed in support of the writ petition and documents, it appears that the petitioners had filed the original application on 20.03.2023 with relevant documents and Court fees. The respondent has returned the application directing the petitioner to provide sufficient documents to show that the petitioner's ancestors had managed the said temple and to add the respondent on the side of the department. It is case of the petitioner that both these returns were absolutely absurd, since Section 64(1) of the Act provides that not less than five persons can institute proceedings for framing the scheme. A mere perusal of the petition would clearly show that the petition has



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been filed by five persons. Further, the petition has been filed under Section 64(1) of the Act calling upon the Joint Commissioner, who is the competent authority to frame the scheme. The petitioners therein are the trustees of the temple and therefore, would comply with the provision of Section 64(1) of the Act. The provisions of Section 64(1) of the Act does not provide for return of applications. The respondent, who is the authorised officer under the Act, is bound to take the petition on file and pass orders on merits.

3.In fine, this writ petition is allowed. The petitioner is directed to represent the petition within a period of two weeks from the date of receipt of a copy of this order and within two months thereof, the respondent shall pass appropriate orders on merits and in accordance with law. No costs.

**06.06.2023**

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



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To

The Joint Commissioner,  
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P.T.ASHA, J.

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