



W.P.(MD) No.15264 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.15264 of 2023

Rajendran

.. Petitioner

Vs.

1.Executive Officer,
Arulmigu Chithivinayagar Temple,
Meenakshipuram,
Karaikudi,
Sivagangai District.

2.The Commissioner,
HR & CE Department,
Sivagangai,
Sivagangai District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the second respondent to number the original petition filed by the petitioner against the first respondent which was finally returned on 08.08.2022 in A.Thi.Mu.No.390/2022/E1 and try the same in accordance with law.



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For Petitioner : Mr.N.Tamilmani
For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

This writ petition is filed for a Mandamus directing the second respondent to number the original petition filed by the petitioner against the first respondent, which was returned on 08.08.2022.

2. It is the case of the petitioner that he had filed a petition in O.P.No.23 of 1991 before the Joint Commissioner, Hindu Religious and Charitable Endowments (HR & CE) Department, Madurai, to appoint him as a Hereditary Trustee and this petition was dismissed on 15.02.1992. He thereafter, preferred an appeal in A.P.No.29 of 1993 before the Commissioner, HE & CE, Chennai. This appeal was dismissed on 26.10.1993 against which he had filed a statutory suit in O.S.No.37 of 1994 before the Sub Court, Devakottai, which was dismissed and the appeal filed against the same was also dismissed by



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this Court as also the review petition. In all these proceedings, the petitioner's request was rejected only on the ground that he has not been able to prove that he and his forefathers had been maintaining the temple for three generations from 1957 by producing documentary evidences.

3. The petitioner would submit that these documents are very much available with the HR & CE Department and they have passed orders in O.P.No.23 of 1991 and A.P.No.29 of 1993 without looking into the said documents.

4. From a perusal of the affidavit, it appears that the petitioner has been filing one application after the other both before the authorities as well as before the civil Court. It appears that once again the petitioner has filed an original petition for declaring him as a Hereditary Trustee before the Joint Registrar, HR & CE, Sivagangai, on 14.02.2022 to declare him as a Hereditary Trustee. The petition was moved in the light of the judgment passed in O.S.No.114 of 1996, by the Sub Court, Devakottai, where Ex.P.1 to Ex.P.6 were marked showing that the



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Endowments Department, Sivagangai, to number and dispose of the petition within a period of eight weeks from the date of receipt of a copy of this order. No costs.

27.06.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr

To

1.Executive Officer,
Arulmigu Chithivinayagar Temple,
Meenakshipuram,
Karaikudi, Sivagangai District.

2.The Commissioner,
HR & CE Department,
Sivagangai, Sivagangai District.



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P.T.ASHA, J.

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