



W.P.(MD)No.17769 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.17769 of 2023

G.Sakthiramakrishnan

... Petitioner

VS.

1.The Commissioner,
Tamil Nadu HR & CE Department,
119, Uthamar Gandhi Road,
Nungampakkam, Chennai.

2.The Joint Commissioner,
Tamil Nadu HR & CE Department,
Sivagangai.

3.The Assistant Commissioner,
Tamil Nadu HR & CE Department,
Ramanathapuram.

4.A.Ravichandran
5.Govindha Raju Chettiar

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the 1 to 3 respondents herein to adhere the Section 3(1) of the Tamil Nadu Hindu Religious and Charitable Endowment Act and to appoint fit person to administrate the 'Arulmigu Sri Elarasu Muneeswarar Temple' based on the petitioner's representation, dated 12.05.2023, as per Section 49 of the Tamil Nadu Hindu Religious and Charitable Endowment Act.

For Petitioner : Mr.R.Murugapoopathy
For R1 to 3 : Mr.R.Ragavendran
Government Advocate

ORDER

This writ petition is filed for issuance of Writ of Mandamus, to direct the respondents 1 to 3 herein to adhere the Section 3(1) of the Tamil Nadu Hindu Religious and Charitable Endowment Act and to appoint fit person to administrate the 'Arulmigu Sri Elarasu Muneeswarar Temple' based on the petitioner's representation, dated 12.05.2023, as per



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Section 49 of the Tamil Nadu Hindu Religious and Charitable Endowment Act.

2. According to the petitioner, the temple was built by the petitioner's forefathers and the said temple is in existence for more than 150 years. People from various communities in and around the temple would visit the temple to worship.

3. The contention of the petitioner is that the 4th and 5th respondents conspired together and created many forged documents in respect of land records of the temple property and misappropriated gold, fund and hundial fund. Hence, the petitioner is seeking to take action against the 4th and 5th respondents.



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4. It is seen from the affidavit that there is no scheme for managing the temple as on date. Instead of appointing a fit person, this Court is of the considered opinion that a scheme ought to be formulated so that a permanent solution shall be granted for the management of the temple. Therefore, the petitioner is directed to file a petition to formulate a scheme under Tamil Nadu Hindu Religious and Charitable Endowment Act, to the 2nd respondent and the 2nd respondent on receipt of the petition shall process the petition as per law within a period of four months.

5. With the above said observation, the writ petition is disposed of.

No costs.

Index : Yes / No

24.07.2023

Internet : Yes

NCC : Yes / No

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S.SRIMATHY, J

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