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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.18722 of 2023

M. Poosai

... Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai.
 2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Thanjavur-1.
 3. The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Pudukottai District.
 4. Rengarajan,
The Hereditary Trustee,
Arulmigu Sanjeevirayar Temple,
Pidampatti,
Pudukottai District.
- ... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondents 1 to 3 to consider petitioner's representation, dated 06.01.2023 within a stipulated time as fixed by this Court.

For Petitioner : Mr.N.Ananda Kumar

For Respondents : Mr.S.Kameswaran,
Government Advocate, for R-1 to R-3

Mr.P.Murali, for R-4

ORDER

This writ petition is filed for Writ of Mandamus directing the respondents to consider the petitioner's representation, dated 06.01.2023.

2. Heard Mr.N.Ananda Kumar, the Learned counsel appearing for the Petitioner, Mr.S.Kameswaran, the Learned Government Advocate appearing for the respondents 1 to 3, Mr.P.Murali, the Learned counsel appearing for the 4th respondent and perused the material documents available on record.



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3. The contention of the petitioner is that he is a cultivating tenant.

However, the respondents are not allowing the petitioner for doing further cultivating activities. The petitioner further alleges that there was a Kudhirai Vaganam made up from 54,310 grams of silver metal. From 1980 onwards the Silver was donated to the temple is found missing and it is shown in the audit report also, but the 4th respondent failed to take any action based on the audit report.

4. The 4th respondent has filed counter stating that there is a theft of Silver Kudhirai Vaganam, but the then Trustee namely Varadharajan failed to take any action. But the present Hereditary Trustee has taken charge from 17.06.2020 and has preferred a complaint for theft which was taken cognizance in C.C.No. 112 of 2022 by the Judicial Magistrate, Keeranoor. The Learned counsel appearing for the 4th respondent further submitted that missing of silver articles were recovered to some extent and is taking action to recover the missing silver.



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5. The Learned Counsel appearing for the 4th respondent further brought to the knowledge of this Court that the petitioner has suppressed material facts and the previous litigation filed by the petitioner. The petitioner had filed W.P.(MD)No.8384 of 2013 and this Court vide order, dated 17.12.2013 has dismissed the writ petition stating that the prayer is very fake and directed the petitioner to approach the appropriate authorities for seeking relief. Again, the petitioner has filed W.P.(MD)No.503 of 2014 and the same was also dismissed by this Court on 13.08.2015.

6. The petitioner being cultivating tenant is not having any rights to file writ petition alleging the same missing of silver articles. Further the petitioner had not paid the any rent for his tenancy and he is a defaulter. Therefore, this Court is of the considered opinion that some costs to be imposed on the petitioner, otherwise, the petitioner would keep filing frivolous writ petitions and thereby, wasting the time of this Court.



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7. Accordingly, this Writ petition stands dismissed with Costs. The petitioner is directed to pay a sum of Rs.2,000/- as costs, to the Siddha Clinic, Madurai Bench of Madras High Court. If the petitioner keeps on filing a petition the Costs will keep on increasing.

05.09.2023

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

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2. The Joint Commissioner ,
Hindu Religious and Charitable Endowment Department,
Thanjavur-1.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Pudukottai District.
4. The Siddha Clinic,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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