



W.P.(MD) No.1973 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :12.04.2023

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.1973 of 2016

A.Saravanakumar

... Petitioner

Vs.

1. The Commissioner,
Hindu Religious Department Office,
119, Uthamar Gandhi Road, Nungampakkam,
Chennai 29.
2. The Joint Commissioner,
Hindu Religious Department Office,
Mela Chittirai Vethi, Madurai 1.
3. The Executive Officer,
Hindu Religious Department Office,
South Aadi Vethi,
Sri Meenakshi Amman Kovil, Madurai 1.
4. The District Collector,
District Collector Office,
Near Anna Bus Stand, Madurai 625 020.



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5. The District Registrar,
171, Palace Road, Mahal Register Office,
Madurai 625 001.

6. The Inspectors General Of,
Registration, Head of Registration Department,
100, Santhome High Road,
Pattinapakkam, Chennai 28.

7. The Sub Registrar,
Arasadi Sub Registration Office,
Nataraj Nagar, Madurai 625 016.

8. A.K.Varatharajan

9. A.K.Jeyaprakash

10. A.K.Balasubramani

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the Respondents 1 to 3 to take over the administration of Sri Selva Vinayagar temple situated at Maninagaram Main Road, Madurai 1 and its properties in T.S.No. 764/1A, 764/1C, 764/2 of Madurai Corporation ward No.5, and the property in Door No. 279, East Masi Street, in T.S.No.797 of Madurai Corporation Ward No. 8 by considering the petitioners representations dated 26.12.2015.

For Petitioner : A.Saravanakumar (Party-in-person)

For Respondents : Mr.P.Subbaraj,
Special Government Pleader for R1, R2



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Mr.C.Satheesh,
Government Advocate for R6 & R7
No appearance for R3, R8 to R10

ORDER

The petitioner seeks a mandamus to direct respondents 1 to 3 to take over the administration of Sri Selva Vinayagar Temple situated at Maninagaram Main Road, Madurai – 1.

2. The petitioner asserts that the above mentioned temple is located close to the petitioner's residence and that he is a devotee of the said temple from his childhood. He further states that one Bagavan Chettiar and Nallayan Chettiar gifted some of their properties to the temple for purposes of performing daily poojas and Puttu Thiruvola function. After the death of the aforesaid donors, the petitioner states that the temple was administered by Ramasamy Chettiar, who also performed the daily poojas and functions. After the death of the said Ramasamy Chettiar, the petitioner states that his adopted son, Kandasamy Chettiar, executed a sale deed in favour of one Rajammal in the year 1959. He also executed a sale deed in favour of one



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Kaliyappa Asari in the year 1962. The petitioner alleges that respondents 8 to 10, who are the legal heirs, have executed conveyances in favour of one Amutha and Mathangi on 12.06.2015 vide Document Nos.2198/2015 and 2199/2015. By asserting that these alienations are unlawful, the petitioner submitted representations to respondents 1 to 3 on 26.12.2015, 10.10.2015 and 26.12.2015. In view of the failure of the respondents to take action thereon, the present writ petition is filed.

3. Learned Special Government Pleader submits, on instructions, that an inquiry has been called for and that the petitioner was summoned in relation thereto. He further submits that the said inquiry would be concluded within a maximum period of eight weeks from the date of receipt of a copy of this order. In spite of service of notice, the eighth respondent failed to enter appearance. Although respondents 9 and 10 are represented by counsel, the counsel for respondents 9 and 10 did not appear at the hearings on 21.03.2023 and 05.04.2023 and at the hearing today. Therefore, the matter is proceeded with in their absence.



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4. The petitioner has placed on record the copies of the sale deeds under which the properties of the temple were allegedly conveyed. He has also placed on record the representation submitted by him to respondents 1 to 3. Consequently, a case is made out to direct the consideration and disposal of the representations.

5. For reasons stated above, W.P.(MD) No.1973 of 2016 is disposed of by directing the second respondent to consider the petitioner's representation dated 26.12.2015, conduct an inquiry after putting all affected parties on notice and issue a reasoned decision within a period of eight weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

12.04.2023

NCC :No
Internet :Yes
Index :No
PKN



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