



WP.No.4260 of 2023

In the High Court of Judicature at Madras

Dated : 03.9.2024

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Writ Petition No.4260 of 2023

Krishnan Poosari

...Petitioner

Vs

1.The Commissioner, Hindu
Religious & Charitable
Endowment Department,
Nungambakkam, Chennai.

2.The Assistant Commissioner,
Hindu Religious & Charitable
Endowment Department,
Kallakurichi District.

3.Mr.K.Dhandapani

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the second respondent to conduct an inquiry on the application dated 03.11.2022 submitted under Section 63(b) of the Hindu Religious and Charitable Endowment Act and to pass orders within a time frame.

For Petitioner	:	Ms.R.Poornima
For R1 & R2	:	Mr.K.Karthikeyan, GA
For R3	:	served & no appearance



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ORDER

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This writ petition has been filed seeking for the issuance of a Writ of Mandamus to direct the second respondent to consider the application filed by the petitioner on 03.11.2022 under Section 63(b) of the Hindu Religious and Charitable Endowment Act (for short, the Act).

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for respondents 1 and 2. Though the third respondent was served and his name printed in the cause list, none appears on behalf of him nor the third respondent is present before this Court.

3. The petitioner made an application before the second respondent under Section 63(b) of the Act to recognize the petitioner as the hereditary poosari of Arulmighu Mariyamman Thirukovil at Ma.Kunnathur Village, Kallakurichi District. Since the said application has not yet been considered, the above writ petition has been filed.

4. In the first place, the very concept of hereditary poosari was done away with pursuant to the judgment of the Apex Court in the case of ***Seshammal Vs. State of Tamil Nadu [reported in 1972***



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(2) SCC 11]. That apart, an application under Section 63(b) of the Act is maintainable only before the Joint Commissioner concerned whereas the application has been submitted by the petitioner before the Assistant Commissioner. In view of the above, this Court does not find any merits in this writ petition and the relief sought for by the petitioner cannot be granted.

5. Accordingly, the above writ petition is dismissed. No costs.

03.9.2024

To

1.The Commissioner, Hindu
Religious & Charitable
Endowment Department,
Nungambakkam, Chennai.

2.The Assistant Commissioner,
Hindu Religious & Charitable
Endowment Department,
Kallakurichi District.

RS



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