



WEB COPY



W.P. No. 4540 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 4540 of 2024

S.Velusamy

... Petitioner

-VS-

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Road,
Nungambakkam,
Chennai - 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
20, Chinnamuthu Street,
Perundurai Road,
Erode - 6038 001.
3. The Deputy Commissioner,
Hindu Religious and Charitable Endowments Department,
Chellandiyamman Koil Street,
Namakkal Bazar,
Namakkal - 637 001.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents to consider the representation dated 23.12.2023 requesting them to immediately refrain the Temple Committee from arbitrarily attempting to replace the unshaped stone structures of Nallayamman temple with featured sculptures against the generational belief and custom of the Sembon sect thereby



W.P. No. 4540 of 2024

protecting right to worship of Sembon sect and pass necessary orders within a time to be stipulated by this Court.

For Petitioner : Mr. S.Giri Tharan
For Respondents : Mr. K.Karthikeyan,
Government Advocate

ORDER

Heard Mr. S.Giri Tharan, Learned Counsel for the Petitioner and Mr. K.Karthikeyan, Learned Government Advocate appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The grievance ventilated by the Petitioner in this Writ Petition is that the Temple Committee is arbitrarily attempting to replace the unshaped stone structures of Nallayamman Temple with featured sculptures against the generational belief and custom of the sembon sect and though a representation dated 23.12.2023 has been made in that regard to the Respondents, it did not evoke any response, which has necessitated the filing of this Writ Petition.

3. Learned Government Advocate appearing for the Respondents, on instructions, states that the said representation made by the Petitioner has been



W.P. No. 4540 of 2024

treated as application under Section 63(e) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, and Notice in Na. Ka. No. 1042/2024/Aa1 dated 29.02.2024 has been sent to the Petitioner and all other persons concerned for enquiry at 10.30 a.m. on 14.03.2024 and its copy has been produced, which is also acknowledged by Leaned Counsel for the Petitioner in Court today.

4. In such circumstances, this Court without expressing any view on the merits of the controversy involved, passes the following order:-

- (i) the Second Respondent shall immediately examine the representation dated 23.12.2023 made by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed;
- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the persons concerned including the Petitioner requiring the same to be furnished within a time frame of not less than 10 days for the same;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and all other persons concerned to explain their position in that regard;



W.P. No. 4540 of 2024

(iv) it shall be ensured by the Second Respondent that there is atleast two

effective hearings every month showing progress of the case;

(v) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated under written acknowledgment; and

(vi) the report of such compliance shall be filed before the Registrar (Judicial) of the Court.

In the result, the Writ Petition is disposed on the aforesaid observations.

No costs.

29.02.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 22.03.2024.

kv

To

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Road,
Nungambakkam,
Chennai - 600 034.



W.P. No. 4540 of 2024

2. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
20, Chinnamuthu Street,
Perundurai Road,
Erode - 6038 001.

3. The Deputy Commissioner,
Hindu Religious and Charitable Endowments Department,
Chellandiyamman Koil Street,
Namakkal Bazar,
Namakkal - 637 001.

Copy to

The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.



WEB COPY



W.P. No. 4540 of 2024

P.D. AUDIKESAVALU, J.

kv

W.P. No. 4540 of 2024

29.02.2024