



WEB COPY



W.P.No.9011 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.9011 of 2024

Dr.A.Harshan

... Petitioner

Vs.

1.Commissioner

H.R. & C.E.,

No.119, Uthamar Gandhi Salai,

Nungambakkam,

Chennai – 600 034.

2.Joint Commissioner

H.R. & C.E.,

Coimbatore.

3.Mrs.Shantha Sabapathy

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to consider the representation of the petitioner dated 12.08.2023 and further direct the first respondent to follow the due process of law mandated under Section 101 of H.R.&C.E. Act, 1959.

For Petitioner : Mr.G.Ethirajulu

For Respondents : Mr.N.R.R.Arun Natarajan for R1 and R2

Special Government

Pleader(H.R.&C.E.)

Mr.T.S.Vijaya Raghavan for R3

Mr.L.Baskaran



W.P.No.9011 of 2024

Government Advocate (Crl. Side)

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ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the first respondent to consider the representation of the petitioner dated 12.08.2023 and further direct the first respondent to follow the due process of law mandated under Section 101 of H.R. & C.E. Act, 1959.

2.The learned counsel appearing for the petitioner submitted that the petitioner is the grandson of the third respondent. Originally, the petitioner's great grandfather was the hereditary trustee of Perumalswamy Koil, Deivakulakaliamman Koil and Mariamman Koil, Vetaikaranpudur Village, Anaimalai Taluk and after his demise, the petitioner's grandfather succeeded his interest as the hereditary trustee of the Temples and he was also recognized as the hereditary trustee of Vettaikarasamy Koil and Adhivinayagar and Balavinayagar Koil and subsequently the third respondent acquired the hereditaryship and there is a dispute as to who has to acquire the hereditaryship between the petitioner and the third respondent.

3.The learned counsel appearing for the petitioner further



W.P.No.9011 of 2024

submitted that this Court vide order dated 26.04.2024 directed the petitioner to hand over the documents belonging to Arulmigu Deivakulakaliamman Koil, Arulmigu Perumalsamy Thirukoil, Arulmigu Vetaikaransamy Thirukoil and Arulmigu Mariamman Thirukoil situated at Anaimalai, Pollachi before the Joint Commissioner, Coimbatore. Aggrieved by the same, the petitioner preferred W.A.Nos.1550 and 1552 of 2024 before the Hon'ble Division Bench of this Court and the Hon'ble Division Bench of this Court vide order dated 04.07.2024 appointed Advocate Commissioner and directed the Advocate Commissioner to visit the subject temples and take inventories of the properties and jewelleryes, with the assistance and in the presence of the jurisdictional Joint Commissioner of the H.R. & C.E. Department. The learned counsel further submitted that this Court may issue direction to the third respondent to abide by the decision to be taken by the Hon'ble Division Bench of this Court in W.A.Nos.1550 and 1552 of 2024.

4.This Court vide order dated 29.07.2024 has directed the Inspector of Police, Anamalai Police Station, Coimbatore to secure the custody of the petitioner and produce him before this Court. The said order has been complied.



W.P.No.9011 of 2024

WEB COPY

5. Since the matter has been seized by the Hon'ble Division Bench of this Court, this Court is inclined to close this writ petition. The third respondent is directed to abide by the decision to be taken by the Hon'ble Division Bench of this Court in W.A.Nos.1550 and 1552 of 2024.

6. The writ petition is accordingly closed. No costs.

27.08.2024

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

1. The Commissioner
H.R. & C.E.,
No.119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai – 600 034.

2. The Joint Commissioner
H.R. & C.E.,
Coimbatore.

4/5



WEB COPY



W.P.No.9011 of 2024

M.DHANDAPANI,J.
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W.P.No.9011 of 2024

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