



W.P.No.11449 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2024

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.11449 of 2019

Keerambur A/m. Nageswarar Swami Arakattalai,
Keerambur, Rep. by its President
M.Venkatachalam,
At the premises of Mariamman Temple,
Keerambur, Namakkal Taluk and District.

... Petitioner

Vs.

1. The Commissioner,
Hindu Religious & Charitable Endowments Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai – 600 034.
2. The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
Salem,
O/o.The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
Salem District.
3. The Assistant Commissioner,
Hindu Religious & Charitable Endowments Department,
Namakkal,
O/o.The Assistant Commissioner,
Hindu Religious & Charitable Endowments Department,
Namakkal District.
4. D.Suyambu,
The Hereditary Trustee,



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S/o.Duraisamy Gurukkal,
South Street Keerambur Post, Namakkal Tk & Dt. ... Respondents

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PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Mandamus directing the respondents 1 and 2 to dispose the petitioner's representation dated 1.7.2017 on merits and to take action in pursuance to the report of the 3rd respondent dated 30.1.2018 in Na.Ka.No.1812/2017/A6 within the time frame fixed by this Court.

For Petitioner : Mr.V.Srikanth

For Respondents : Mr.S.Ravichandran, AGP (HR & CE)
for R1 to R3

Notice Dispensed with [R4]

ORDER

The petitioner has filed this petition seeking to direct the respondents 1 and 2 to dispose the petitioner's representation dated 01.07.2017 on merits and to take action in pursuance of the report of the third respondent dated 30.01.2018 in Na.Ka.No.1812/2017/A6 within the time frame fixed by this Court.

2. It is the case of the petitioner that the petitioner is a devotee of A/m. Nageswarasamy and Vinayagar Temple situated at Keerambur Village.



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Subsequently, the petitioner has given a complaint to the second respondent on 01.07.2017 stating that the hereditary trustee have committed misappropriation of funds and continuously acted adverse to the interest of the institution, which was forwarded to the third respondent, who in turn had caused notice to the petitioner and the fourth respondent i.e., the hereditary trustee of the said Temple to appear for enquiry. Pursuant to the said enquiry, the third respondent has forwarded a report dated 30.01.2018 to the second respondent, who in turn has recommended the first respondent to initiate proceedings in terms of Section 69(2) of the Tamil Nadu Hindu Religious & Charitable Endowments Act, 1959 for the misconduct committed by the hereditary trustee. However, till date no orders has been passed. Hence the present writ petition.

3. Though very many grounds have been raised in the present writ petition, the learned counsel for the petitioner submits that it would suffice if this Court issues a direction to the respondents 1 and 2 to implement the recommendation of the third respondent dated 30.01.2018 and pass appropriate orders within the time frame that may be stipulated by this Court.



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4. The learned Additional Government Pleader appearing on behalf of the respondents 1 to 3 submits that pursuant to the proceedings dated 31.07.2023 of the Joint Commissioner / second respondent, a fit person has been appointed for the aforesaid Temple to look after the administrative affairs of the temple and has taken charge on 07.09.2023 in the presence of the villagers. He further submits that the recommendation dated 30.01.2018 of the third respondent will be implemented by the respondents 1 and 2 within the time frame that may be fixed by this Court.

5. Though the notice was served on the fourth respondent, neither himself nor his representative appeared before this Court. Considering the period of pendency of the present writ petition, the same is disposed of based on the materials available on record.

6. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3 and perused the materials placed on record.

7. In the light of the submission made by the learned Additional



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Government Pleader appearing for the respondents 1 to 3, this Court directs the respondents 1 and 2 to implement the proceedings of the third respondent dated 30.01.2018 and pass appropriate orders on merits and in accordance with law and after affording an opportunity of personal hearing to the petitioner as well as the fourth respondent within a period of twelve (12) weeks from the date of receipt of a copy of this order.

8. With the above observation and directions, this writ petition is disposed of. No costs.

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

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2. The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
Salem,
O/o.The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
Salem District.
3. The Assistant Commissioner,
Hindu Religious & Charitable Endowments Department,
Namakkal,
O/o.The Assistant Commissioner,
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M.DHANDAPANI,J.

RAP



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