



W.P.No.16742 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2024

CORAM :

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.16742 of 2024

and

W.M.P.No.18392 of 2024

Hariharan

... Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious & Charitable Endowment,
Nungambakkam, Chennai – 600 034.
- 2.The Joint Commissioner,
Hindu Religious & Charitable Endowment
(Administration) Department,
Erode District.
- 3.The Assistant Commissioner,
Hindu Religious & Charitable Endowment
(Administration) Department,
Namakkal District.
- 4.Muthukumar,
Executive Officer,
Hindu Religious & Charitable Endowment
Department,
Namakkal District.



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5.P.Sivakami,
Executive Officer,
Hindu Religious & Charitable Endowment
Department,
Namakkal District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the first to third respondents to take an appropriate action against the fourth and fifth respondents by considering the petitioner's representation dated 15.03.2024 within a time stipulated by this Court.

For Petitioner : Mr.M.Dinesh

For Respondents :
For R1 to R3 : Mr.N.R.R.Arun Natarajan
Special Government Pleader (HR&CE)

For R4 : No such person

For R5 : No appearance

ORDER

This Writ Petition has been filed by the petitioner seeking for issuance of a Mandamus, to direct the first to third respondents to take an appropriate action against the fourth and fifth respondents by considering the petitioner's representation dated 15.03.2024.



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2. The case of the petitioner is that the petitioner's forefathers established the Temples namely “Sri Kasiviswamathaswamy Temple and Sri Vinayagar Temple” situated at Devarayasamuthiram Village, Paramathivelur Taluk, Namakkal District. The petitioner inherited the property as Legal Heir of one Late Mr.Sadasivam, elder brother of the petitioner's father namely Sabapathy, by way of succession, and he is discharging spiritual duties as Poosari in the above-mentioned temples for more than three decades. The petitioner stated that under the guise of the Hindu Religious and Charitable Endowment (HR&CE) Department namely Mr.Muthukumar and Mrs.P.Sivakami, claimed as Executive Officers of the Namakkal District, without any notice and authority, trespassed into the petitioner's private Temples and affixed the notice and board in the conspicuous place without permission. Being so, the petitioner was forced to file a suit before the District Munsif Court, Paramathy in O.S.No.202 of 2022. The learned District Munsif, Paramathy, granted an *ex parte* order and there is no application for setting aside the same. The petitioner submitted that on 14.03.2024, the said Executive Officers along with some private individuals set fire in the petitioner's property and from day to day, they are giving more and more troubles to the petitioner and his family including the devotees. Hence the writ petition.



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3. It appears that the petitioner has approached the first to third respondents by way of representation dated 15.03.2024, seeking for appropriate action against the fourth and fifth respondents and restrain them not to interfere the day to day activities of the Temples namely “Sri Kasiviswamathaswamy Temple and Sri Vinayagar Temple” situated at Devarayasamuthiram Village, Paramathivelur Taluk, Namakkal District in the light of the order passed in O.S.No.202 of 2022 on the file of the District Munsif Court, Paramathy, morefully to take action against the private individuals who had given unnecessary troubles to the petitioner.

4. The grievance of the petitioner is that despite the representation dated 15.03.2024, the first to third respondents have not taken any action, which prompted the petitioner to approach this Court.

5. Considering the limited prayer sought for in the writ petition, this Court without advertng to the merits of the case of the petitioner, feels it appropriate to direct the first respondent to dispose the representation dated 15.03.2024 of the petitioner.



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6. Accordingly, the first respondent is directed to consider the representation dated 15.03.2024 made by the petitioner and dispose the same in accordance with law after affording an opportunity to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs.
Connected Writ Miscellaneous Petition is closed.

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Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation : Yes/No

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To

1.The Commissioner,
Hindu Religious & Charitable Endowment,
Nungambakkam, Chennai – 600 034.

2.The Joint Commissioner,
Hindu Religious & Charitable Endowment
(Administration) Department,
Erode District.



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3.The Assistant Commissioner,
Hindu Religious & Charitable Endowment
(Administration) Department,
Namakkal District.

4.Muthukumar,
Executive Officer,
Hindu Religious & Charitable Endowment
Department,
Namakkal District.

5.P.Sivakami,
Executive Officer,
Hindu Religious & Charitable Endowment
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