



W.P.No.12294 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.12294 of 2024

Prathap C

...Petitioner

Vs

1.The Commissioner,
Hindu Religious and Charitable
Endowments Department, Nungambakkam,
Chennai – 600 034.

2. The Joint Commissioner
Hindu Religious Endowment Department,
Arulmigu Kottai Mariamman Temple Compound,
Salem 636 001.

3. The Assistant commissioner,
Hindu Religious and Endowment Department,
Arulmigu Kottai Mariamman Temple Compound,
Salem 0 636 001.

4. Thangam as M. Chinna Paiyan

5. I. Selvam

6. C.Nadesan

7. N. Manogar

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to consider petitioner's representation dated 06.01.2024 and pass orders.

For Petitioner : Mr.U. Gowri Shankar

For Respondents 1-3 : Mr.K. Karthikeyan, Government Advocate

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the directing the second respondent to consider petitioner's representation dated 06.01.2024 and pass orders

2. The case of the petitioner is that the petitioner's predecessors are the trustees of the Temple by name Arulmigu Vadamalai Chnroyaperumal Temple and Nilapallo Chenroyaperumal Temple situated at Thumbipadi, Omalur Taluk, Salem District. The Deputy Commissioner of Hindu Religious and Endowment(Administration) Department by order dated 13.03.1970 declared the petitioner's grand father as hereditary trustee of the above said temple. The grievance of the petitioner is that as per will dated 06.04.2015 the petitioner has right to perform all poojas and also to



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mange and administer the temple. Hence, the petitioner filed an application in MP.No.4 of 2024 before the second respondent under Section 54(1) of the HR&CE seeking to declare that the petitioner as the hereditary trustee of the above said temple. Despite several request the said appeal has not been disposed. Hence, the third parties are trying to take possession of the temple. Hence the petitioner gave a representation to the second respondent on 06.01.2024 to dispose of the application filed by the petitioner. However, there was no response till date. Hence, this petition.

3.The learned counsel for the petitioner submitted that it would be suffice if this Court issues a direction to the second respondent to consider the petitioner's representation dated 06.01.2024 and pass orders.

4.The learned Government Advocate appearing for the Respondents submitted that they will consider the case of the petitioner and take action in the manner known to law.



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5. Considering the facts and circumstances of the case and the limited relief sought for by the petitioner, this Court, without expressing any opinion on the merits of the case directs the respondent to consider the petitioner's representation dated 06.01.2024 **and pass orders on merits and in accordance with law on or before 15.07.2024.**

6. With the aforesaid direction, this Writ Petition stands disposed of. No costs.

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Index: Yes/No

Speaking order/Non-speaking order
smn



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V.BHAVANI SUBBAROYAN,J.

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