



W.P.No. 18596 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2024

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

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P. Ponnusamy

.. Petitioner

Versus

1. The Commissioner,
Hindu Religious and Charitable
Endowment Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai – 600 034.

2. The Joint Commissioner
Hindu Religious and Charitable
Endowment Department,
Salem – 636 001.

3. The Inspector,
Hindu Religious and Charitable
Endowment Department,
Mettur Taluk, Salem.

4. S. Rajagopal

...Respondents

Prayer: This petition is filed under article 226 of the Constitution of India to issue a writ of Mandamus directing the second respondent i.e



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Joint Commissioner, Hindu Religious and Charitable Endowment Department, Salem to pass an order in O.Mu.No.9505/2023/E2/dated 22.09.2023 appointing the petitioner and his brothers as the hereditary trustees of the temple namely Arulmigu Sri Siddeswarar Thirukoil, Palamalai, Mettur, Salem District based on the Judgment and decree passed in O.S.No.216/1989 dated 13.08.1992 on the file of the Sub-Court, Sankari, Salem District by considering the representation of the petitioner dated 06.05.2024, within a stipulated time and pass orders.

For Petitioner : Mr.N. Vijaya Basker

For Respondents :Mr.K.Karthikeyan
Government Advocate

ORDER

This writ petition is filed seeking a writ of Mandamus directing the second respondent/ Joint Commissioner, Hindu Religious and Charitable Endowment Department, Salem to pass an order in O.Mu.No.9505/2023/E2/dated 22.09.2023 appointing the petitioner and his brothers as the hereditary trustees of the temple namely Arulmigu Sri Siddeswarar Thirukoil, Palamalai, Mettur, Salem District based on the



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Judgment and decree passed in O.S.No.216/1989 dated 13.08.1992 on the file of the Sub-Court, Sankari, Salem District by considering the representation of the petitioner dated 06.05.2024.

2.By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. It is the case of the petitioner that by virtue of the decree passed in O.S.No.216 of 1989 on 13.08.1982 before the Subordinate Court,Sankari Taluk,Salem the petitioner and his brothers are the hereditary trustees and the 4th respondent is not having any right over the temple. Aggrieved over the said decree the 4th respondent instead of filing an appeal has filed a suit in O.S.No.74/2000 before the Sub-Court, Mettur, Salem District and the same was dismissed on 25.06.2002. Challenging the same, the 4th respondent had preferred an appeal in A.S.No.89 of 2002 before the Additional District Court (Fast Track Court-I), Salem and the same was also dismissed. Aggrieved against the said appeal suit, the 4th respondent herein preferred second appeal before this Court in S.A.No.360 of 2008 and the same was also dismissed on



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05.04.2023. When this being the case, the petitioner narrating all the said facts had given a representation on 30.06.2023 to the second respondent, who in turn sent a communication in O.Mu.No.9505/2023/E2/dated 22.09.2023 wherein, a direction was given to the third respondent to conduct spot enquiry with the trustees of the temple and submit a report within 10 days from 22.09.2023. Pursuant to which the petitioner filed a writ petition in W.P.No.36521 of 2023 regarding the said issue. At the time of hearing in the said writ petition, the 3rd respondent filed a status report wherein, it was stated that the enquiry was conducted with the both parties and report was filed before the second respondent. In the said writ petition this Court passed an direction to implead the Inspector, HR&CE, Mettur Taluk, Salem, due to which the said writ petition was withdrawn. When this being the case, the petitioner has given the representation on 06.05.2024 to the Respondents 1 to 3 to declare the petitioner and his brothers as the hereditary trustees of the said temple. The grievance of the petitioner is that the representation is not considered till date. Hence, this petition.



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4. The learned counsel appearing for the petitioner submitted the second respondent had not passed any orders in the proceedings of O.Mu.9505/2023/E2/dated 22.09.2023, due to which the temple administration was greatly affected. However, it would be suffice if this Court issues a direction to the respondents 1 to 3 to consider the petitioner's representation and pass orders.

5. The learned Government Advocate appearing for the official respondents submitted that they consider the case of the petitioner and take action in the manner known to law as early as possible

6. 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 respondents 1 to 3 to peruse the documents filed by the petitioner and also the Judgement passed in O.S.No.216/1989 dated 13.08.1992 on the file of the Sub-Court, Sankari, Salem District and consider the petitioner's representation dated 06.05.2024, by affording an opportunity of personal hearing to the



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petitioner and pass orders on merits and in accordance with law within a period of four months from the date of receipt of a copy of this order.

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

17.03.2023

Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
smn

To

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V.BHAVANI SUBBAROYAN, J.

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