



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2024

CORAM:

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

W.P.No.17338 of 2024

C. Karthikeyan

.. Petitioner

Versus

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

2. The Joint commissioner
Hindu Religious & Charitable Endowment Department
Dr. Balasundaram Salai, Coimbatore – 641 018.

3. The Assistant Commissioner,
Hindu Religious & Charitable Endowment Department,
Jawans Bhavan, 2nd Floor, Gandhiji Road,
Erode – 638 001.

4. The Fit Person
A/m Selva Vinayagar Kariya Kaliyamman,
Mariyamman and Selambur amman Temple,
Ennamangalam Village, Andiyur Taluk,
Erode District.

...Respondents



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Prayer: This petition is filed under article 226 of the Constitution of India to issue a writ of Mandamus directing the third respondent to consider the representation dated 24.05.2024 and to dispose the same in time bound manner known to law and pass orders.

For Petitioner : Mr.V.S. Usha Rani

For Respondents : Mr.N.R.R.Arun Natarajan
Special Government Pleader

ORDER

This petition is filed to seeking to issue a writ of Mandamus directing the third respondent to consider the representation dated 24.05.2024 and to dispose the same in a time bound manner.

2. In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.

3. The case of the petitioner is that the ancestors of the petitioner are conducting festivals in A/M Selva Vinayagar Temple for several decades and their family members are holding the post of hereditary trustees. The petitioner became major and assumed the charges of hereditary trusteeship. But, the poojaries in the said temple started



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interfering with the administration of the temple and started disturbing the petitioner. Due to which the petitioner filed a suit in O.S.No.124 of 1996 before the Sub-Ordinate Judge at Bhavani seeking for the relief of declaring the petitioner as a hereditary trustee and the suit was decreed in favour of the petitioner. The grievance of the petitioner is that he is entitled to be recorded as a hereditary trustee in the register maintained by the HR&CE. Hence, the petitioner has given a representation to the respondents on 24.05.2024. However, the same was not considered. Aggrieved over the same the petitioner has come up with this petition.

4. The learned counsel for the petitioner submitted that it would be suffice if this Court issues a direction to the third respondent to consider the petitioner's representation dated 24.05.2024 and pass orders.

5. The learned Special Government Advocate appearing for the Respondents submitted that even though the suit filed in O.S.No.124 of 1996 before the Sub-Ordinate Judge at Bhavani was decreed in favour of the petitioner, the appeal filed was dismissed in A.S.No.43 of 2005 before



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the Principal District Judge, Erode. Further more the Fit person was appointed in the year 2005 itself and the petitioner has now filed the present petition. Hence, prays to dismiss this petition.

6. Considering the facts and circumstances of the case and the limited relief sought for by the petitioner, this Court, directs the third respondent to consider the petitioner's representation dated 24.05.2024 and pass orders on merits and in accordance with law within a period of Eight Weeks from the date of receipt of a copy of this order.

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

01.07.2024

Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
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V.BHAVANI SUBBAROYAN, J.



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