



W.P.No.25807 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.25807 of 2014

1.V.Sampath Kumar
2.V.Chokkappa
3.V.Dhushyanthan

... Petitioners

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments,
Uthamar Gandhi Street,
Nungambakkam, Chennai – 34.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Moopanar Street (Near Temple Tower),
Thanjore.

3.The Deputy Commissioner,
Hindu Religious and Charitable Endowments,
Nagapattinam.

4.The Executive Officer,
Sri Rajathagiriswarar Swamy Temple,
Vellankanni office at
Soundararaja Perumal Koil,
Nagapattinam.

5.Selvaganapathy,
Present Trustee,
Sri Rajadhagirishwarar Swamy Temple,



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Vellankanni office at
Soundararaja Perumal Koil,
Nagapattinam.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to dispose of the petitioner representation dated 30.07.2014 and take appropriate action against the 5th respondent herein within the time as stipulated by this court.

For Petitioner : Mr.J.Nandagopal
For Respondent : Mr.S.Ravichandran
Additional Government
Pleader [R1 to R4]
Mr.R.Saravanakumar [R5]

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the respondents 1 to 4 to dispose of the petitioner representation dated 30.07.2014 and take appropriate action against the 5th respondent herein within the time as stipulated by this court.

2. The case of the petitioner is that, they are the descendants of one Late Chokalingam Devar, who was a trustee of the Sri Rajathagiriswarar Swamy Temple during the period 1925 and they are



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also entitled to get trusteeship by hereditary. However, without their knowledge, the 5th respondent got an order from the 3rd respondent as trustee of the said temple and by misusing his power, he is swindling the income derived from the properties of the said temple. Therefore, they made a representation before the respondents 1 to 4 on 30.07.2014 to take action against the 5th respondent. Since no action has been taken against the 5th respondent by the respondents 1 to 4, the petitioners have filed the above writ petition before this court for appropriate orders.

3. Though very many grounds have been raised in the above writ petition, learned counsel for the petitioners submits that, it would suffice, if this Court issues a direction to the respondents 1 to 4 to dispose of the representation dated 30.07.2014 and take appropriate action against the 5th respondent, within a time frame that may be stipulated by this Court.

4. Learned Additional Government Pleader appearing for the respondents 1 to 4 submitted that the 5th respondent has been appointed as hereditary trustee of the said temple. If at all the petitioners are aggrieved by the same, they have to challenge the appointment of the 5th respondent in the manner known to law. Without doing so, filing the



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present writ petition seeking direction to the respondents 1 to 4 to dispose of the representation dated 30.07.2014, is *per se* unsustainable.

Accordingly, he prays for dismissal of the writ petition.

5. In view of the above submissions, this writ petition stands dismissed with a liberty to the petitioners to challenge the appointment of the 5th respondent as hereditary trustee in the manner known to law.

No costs.

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

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M.DHANDAPANI, J.

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