



W.P.No.23037 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

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V.Muthusamy

... Petitioner

Vs.

- 1.The Assistant Commissioner,
Hindu Religious & Charitable Endowment Department,
Kallakurichi.
- 2.The Inspector,
Hindu Religious & Charitable Endowment Department,
Kallakurichi.
- 3.The Trustee,
Arulmigu Arthanaariswarar Temple,
Namasivayapuram Village,
Kallakurichi District.
- 4.The Trustee,
Arulmigu Mariyamman Temple,
Namasivayapuram Village,
Kallakurichi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India,
praying for issuance of Writ of Mandamus, directing the respondents to



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consider petitioner's representation dated 15.04.2024 and pass orders on the same to refund the electricity charges paid by the petitioner to the Arthanaariswarar and Mariyamman Temples, Namasivayapuram Village, Kallakurichi Taluk & District from the year 2012 to 2019.

For Petitioner : Mr.M.Subash

For Respondents : Mr.N.R.R.Arun Natarajan
Special Government Pleader [R1 & R2]

ORDER

This Writ Petition has been filed by the petitioner seeking for a Writ of Mandamus, to direct the respondents to consider petitioner's representation dated 15.04.2024 and pass orders on the same to refund the electricity charges paid by the petitioner to the Arthanaariswarar and Mariyamman Temples, Namasivayapuram Village, Kallakurichi Taluk & District from the year 2012 to 2019.

2. Mr.N.R.R.Arun Natarajan, learned Special Government Pleader, accepts notice on behalf of the respondents 1 and 2. In view of the consent expressed by the learned counsel for the parties, this writ petition is taken up for final disposal at the stage of admission itself.



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3. The case of the petitioner is that, he is the former administrator of the temple in his village viz., Arthanaariswarar & Mariyamman Temple and both the temples are under the control of the respondents 1 and 2. From the year 2012 to 2019, he paid the electricity charges to said temples as there was no proper income from the temple management. Being administrator, at the relevant point of time, he was paying the electricity charges to the said temples out of his own income. Further, the 2nd respondent assured him that electricity charges amount would be refunded to him after the lands belongs to the temples leased for revenue of the temples. Accordingly, the temple lands are leased and out of which, proper income to the said temples are generated. He had sent a representation to the 1st respondent for refund of the electricity charges of the said temples paid by him and subsequently, the 2nd respondent's report dated 21.01.2023 was obtained by the 1st respondent. Thereafter, on 22.09.2023, the 1st respondent vide his proceedings in Na.Ka.No.2224/2023/E1 permitted the respondents 3 and 4 to refund the electricity charges to him after considering the electricity charges bills in the presence of the 2nd respondent. Even thereafter, the respondents 2 to 4 never



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refunded the electricity paid by him for the above said temples inspite of proper income is generated out of the lands belong to the said temples.

Hence, on 15.04.2024, the petitioner had sent a representation to the 2nd respondent to refund the electricity charges to him in pursuant of the above proceedings of the 1st respondent. Since the said representation was not considered, the petitioner has come forward with the present writ petition.

4. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submitted that, it would suffice, if this Court issues a direction to the 1st respondent to consider the petitioner's representation dated 15.04.2024 and pass appropriate orders on merits and in accordance with law, within a particular time frame to be fixed by this Court.

5. Learned Special Government Pleader appearing for the respondents 1 and 2 submitted that the petitioner's representation dated 15.04.2024 will be considered in the manner known to law as expeditiously as possible.



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6. In view of the above submissions, this Court, without going into the merits of the case, directs 1st respondent to consider the petitioner's representation dated 15.04.2024 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as aggrieved persons if any, within a period of four (4) 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.

13.08.2024

Index : Yes/No
Speaking Order / Non-speaking order
Neutral Citation Case : Yes / No
sp

To

1.The Assistant Commissioner,
Hindu Religious & Charitable Endowment Department,
Kallakurichi.

2.The Inspector,
Hindu Religious & Charitable Endowment Department,
Kallakurichi.



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M.DHANDAPANI,J.

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