



WEB COPY



W.P.No.5588 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.5588 of 2019
and
W.M.P.No.6363 of 2019

S.A.Nataraj

... Petitioner

Vs.

1.The Commissioner,
HR & CE Department, Nungambakkam,
Chennai.

2.The Joint Commissioner,
HR & CE Department,
Coimbatore.

3.S.P.Kandasamy

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to consider the representation of the petitioner made on 21.02.2017 and pass orders on merits after conducting a thorough enquiry on the same within a time frame as may be fixed by this court.

For Petitioner : Mr.Silambannan
Senior Counsel
for M/s.Kaavya Silambanan Associates

For Respondents : Mr.N.R.R.Arun Natarajan



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Special Government Pleader [R1 & R2]
Mr.R.Nandhakumar [R3]

ORDER

This Writ Petition has been filed by the petitioner seeking for a Writ of Mandamus, to direct the 1st respondent to consider the representation of the petitioner made on 21.02.2017 and pass orders on merits after conducting a thorough enquiry on the same within a time frame as may be fixed by this court.

2. The case of the petitioner is that, the 3rd respondent was declared as a hereditary trustee of Uchi Mahkaliasman Temple is situated in Samathur Village, Pollachi Taluk by the 2nd respondent vide order dated 01.08.2002. However, the 3rd respondent is acting against the interest of the temple and had committed misappropriation. Therefore, the petitioner and the villagers have made a representation dated 21.02.2017 before the 1st respondent to take action against the 3rd respondent. Since the same was not considered, the petitioner has filed the present writ petition before this court.



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3. Though very many grounds have been raised in this writ petition, learned counsel for the petitioner submits that, it would suffice, if this court permits the petitioner to make fresh representation before the 2nd respondent u/s 26 of the HR & CE Act and if such representation is made, the 2nd respondent may be directed to consider the same on merits and in accordance with law and pass appropriate orders, after providing opportunity to the petitioner as well as the 3rd respondent, within a time frame that may be stipulated by this court.

4. Learned counsel appearing for the 3rd respondent has no objection for the above order being passed by this court.

5. In view of the above, this court, without going into the merits of the case, permits the petitioner to make fresh representation before the 2nd respondent u/s 26 of the HR & CE Act, within a period of two (2) weeks from the date of receipt of a copy of this order. Upon receipt of such representation, the 2nd respondent is directed to consider the same on merits and in accordance with law and pass appropriate orders, after providing an opportunity of personal hearing to the petitioner as well as the 3rd respondent, within a period of eight (8) weeks thereafter.



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M.DHANDAPANI, J.

sp

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

19.09.2024

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

To

- 1.The Commissioner,
HR & CE Department, Nungambakkam,
Chennai.
- 2.The Joint Commissioner,
HR & CE Department,
Coimbatore.

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