



W.P(MD)No.3817 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2024

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

W.P(MD)No.3817 of 2024

Tharmarajan. M

... Petitioner

Vs

- 1.The Commissioner,  
Hindu Religious and Charitable Endowments Department,  
Chennai - 600 034.
- 2.The Joint Commissioner,  
Hindu Religious and Charitable Endowments Department,  
Sivagangai District.
- 3.The Executive Officer,  
Arulmigu Madapuram Pathrakaliamman Temple,  
Sivagangai District.

...Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 2nd respondent to take necessary action to conclude the proceedings in O.Mu.No.52110/2016/M-1 dated 18.10.2016, by following the Principles of Natural Justice, within stipulated time that may be fixed by this Court.



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For Petitioner : Mr.S.Ayyanar Prem Kumar  
For Respondents : Mr.P.Subba Raj  
Special Government Pleader

### **ORDER**

The petitioner claims that his ancestor, namely, Kathan Nadar has settled 13 acres of land in S.Nos.459/4, 460/1, 459/2, 459/3, 585/1, 65/1, 65/3, 65/4, 65/5, 65/6 and 104/1B1 of Solavandhan and Solaikuruchi Village to Madurai District to Arulmigu Madapuram Pathrakaliamman Temple, Sivagangai District on certain conditions. The grievance of the petitioner is that those lands have been alienated by several persons by violating the conditions. In this regard, the petitioner has submitted a representation to the second respondent to conduct an enquiry to restore the lands to the temple. The petitioner's representation was forwarded to the Joint Commissioner vide proceedings in O.Mu.No. 52110/2016/M.1, dated 18.10.2016. The petitioner has now approached this Court for a Mandamus, directing the second respondent to conclude the proceedings within a stipulated time.



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2.The learned Special Government Pleader appearing for the respondents submits that the petitioner has not furnished any documents to substantiate his claim. Therefore, they are not in a position to proceed further.

3.In reply, the learned counsel for the petitioner submits that the petitioner has already submitted the necessary documents before the authorities. However, he is prepared to furnish the relevant documents once again before the second respondent.

4.This Court considered the rival submissions made and also perused the materials placed on record.

5.The petitioner claims that his ancestor had endowed 13 acres of land in Solaikuruchi Village Solavandhan to Arulmigu Madapuram Pathrakaliamman Temple, Sivagangai District, however, the lands endowed to the temple were sold to several persons by



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violating the conditions. Therefore, the petitioner has submitted a representation to the authorities. On the side of the respondents, it is stated that the petitioner has not furnished the required documents to conclude the enquiry.

6.In view of the above, this writ petition is disposed of with a direction to the petitioner to appear before the second respondent on 05.03.2024 along with the required documents. The second respondent shall conduct an enquiry by providing an opportunity to the parties concerned and shall take decision as expeditiously as possible preferably within a period of four months from the date of receipt of a copy of this order. No costs.

**23.02.2024**

NCC:Yes/No  
Index:Yes/No  
Internet:Yes  
vrn



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**B.PUGALENDHI, J.**

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**Order made in**  
**W.P(MD)No.3817 of 2024**

**23.02.2024**