



W.P.No.5092 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 14.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

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S.SIVASAMY GOUNDAR

... Petitioner

Vs

1. THE COMMISSIONER,
HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS
DEPARTMENT (HR & CE),
UTTAMAR GANDHI SALAI,
NUNGAMBAKKAM,
CHENNAI-600 034.

2. THE JOINT COMMISSIONER,
HINDU RELIGIOUS & CHARITABLE ENDOWMENTS
DEPARTMENT (HR & CE),
1ST FLOOR, REGULATE MARKET COMPLEX,
PALLADAM ROAD,
TIRUPPUR -641 604.

3. P.PARAMASIVAM

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the first and second respondents to consider the petitioner's representation dated 10.10.2024 and 08.01.2025 and pass final orders as expeditiously as possible within a reasonable time frame as fixed by this Court.



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For Petitioner : Mr.P.V.Selvakumar
For R1 & R2 : Mr.K.Karthikeyan
Additional Government Pleader

ORDER

This writ petition is filed seeking a mandamus directing the first and second respondents to consider the petitioner's representation dated 10.10.2024 and 08.01.2025.

2. The grievance of the petitioner is that the petitioner's ascendants were the hereditary trustee of the temple. The petitioner claims that he is the rightful person entitled to be appointed as the hereditary trustee of the temple. However, without appointing the petitioner, a third party has been appointed as the hereditary trustee. Therefore, the petitioner is aggrieved by this appointment and asserts his right to the office of the hereditary trustee. As a result, the petitioner has submitted a representation and filed the present writ petition.

3. When the matter came up for hearing, the learned Additional



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Government Pleader appearing on behalf of the first and second respondents

submitted that after duly considering the applications under Section 63(b), an order was passed appointing the third party as the hereditary Trustee. If the petitioner is aggrieved by the same, he is required to file an appeal before the first respondent under Section 69 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 against the order dated 05.10.2007.

4. Therefore, considering the grievance expressed by the petitioner and the fact that the petitioner has been approaching the authorities with representations, but has not filed a proper appeal, this writ petition is disposed of on the following terms:-

(i) The petitioner shall file an appeal against the order dated 05.10.2007 within a period of four weeks from the date of receipt/production of website uploaded copy of this order, without waiting for the certified copy of the order.

(ii) If such an appeal is filed within the said time granted by this Court, it will be treated as if it were filed within the period of limitation and the same shall be considered on merits by the first respondent.



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(iii) Needless to mention that all the contentions of the third party are kept open. The first respondent shall issue notice to both sides and decide the matter in accordance with law.

(iv) No costs.

14.02.2025

Neutral Citation: Yes/No
nsl

To

1. THE COMMISSIONER,
HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS
DEPARTMENT (HR & CE),
UTTAMAR GANDHI SALAI,
NUNGAMBAKKAM,
CHENNAI-600 034.
2. THE JOINT COMMISSIONER,
HINDU RELIGIOUS & CHARITABLE ENDOWMENTS
DEPARTMENT (HR & CE),
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D.BHARATHA CHAKRAVARTHY, J.

ns1

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