



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-04-2025

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THE HONOURABLE MR JUSTICE J.SATHYA NARAYANA PRASAD

WP.No.13477 of 2025

G.Vijaya Kumar
S/o.V.Govindasamy,
Flat No.S2, Second Floor,
Door No.H-141, 31st Cross Street,
Besant Nagar, Chennai- 600 090.

Petitioner(s)

Vs

The Public Information Officer,
The Joint Commissioner (Head Quarters),
Hindu Religious Charitable Endowment,
No.119, Uthamar Gandhi Road,
Nungambakkam, Chennai- 600 034.

Respondent(s)

PRAYER Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the respondent to permit the petitioner to inspect records and documents allied with the recommendation made by the Assistant Commissioner, HR and CE, Thoothukudi in Na.Ka.No.2974/2021/A/ dated 30.07.2021 as per the Petitioner's RTI application dated 01.04.2025 and pass such further orders.



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WP No.13477 of 2



For Petitioner(s): Mr.P.Ravi Kumar

For Respondent(s): Mr.N.Arun Natarajan,
Special Government Pleader

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondent to permit the petitioner to inspect records and documents allied with the recommendation made by the Assistant Commissioner, HR and CE, Thoothukudi, in Na.Ka.No.2974/2021/A/ dated 30.07.2021 as per the Petitioner's RTI application dated 01.04.2025.

2. On 10.09.1934, A.R.A.Subbaiah Nadar created a trust named “Subbaiah Dharmanidhi” through a registered Trust Deed (Doc.No.1682/1934), with an initial deposit of Rs.28,540/-. The object of the trust was to conduct daily poojas and naivedyam at the Arulmigu Sidhi Vinayakar Temple, Thoothukudi, maintain its garden, and establish a free school for poor children with Hindu Religious teachings. The Trust Deed explicitly prohibits sale, mortgage, or encumbrance of the trust property, allegedly in collusion with private individuals, including the owners of M/s.Velavan Hyper Market. A



recommendation regarding this issue was sent by the Assistant Commissioner,

HR and CE, Thoothukudi, to the Commissioner, HR and CE, Chennai, on

30.07.2021, but no action has been taken.

3. Learned counsel for the petitioner submits that the petitioner is a practising advocate and regular devotee of the said temple and that the sale of the trust property violates the express terms of the Trust Deed and is illegal. He submits that the sale was made in active collusion between the trustees and private individuals, involving bribery and fraud. Despite a recommendation by the Assistant Commissioner, HR and CE, no action has been taken for four years. The petitioner filed an RTI application on 01.04.2025 seeking inspection of records related to the recommendation, but the respondent refused to provide the information. He submits that the petitioner seeks a writ of Mandamus directing the respondent to permit inspection of the relevant records.

4. Learned Special Government Pleader appearing for the respondent submits that the Petitioner's RTI application dated 01.04.2025 would be



considered on merits, in accordance with law, within a time frame stipulated by this Court.

5. Heard both sides and perused the materials available on record.

6. Without going into the merits of the case, the respondent is directed to permit the petitioner to inspect records and documents allied with the recommendation made by the Assistant Commissioner, HR and CE, Thoothukudi, in Na.Ka.No.2974/2021/A/ dated 30.07.2021 as per the Petitioner's RTI application dated 01.04.2025 and pass appropriate orders on merits, in accordance with law, within a period of four (4) weeks from the date of receipt of a copy of this order.

In the result, the writ petition stands disposed of with the above observations and direction. No costs.

15-04-2025

cda

Index: Yes/No

Speaking/Non-speaking order

NOTE : Issue order copy by 17.04.2025



WEB COPY

WP No.13477 of 2



To

The Public Information Officer,
The Joint Commissioner (Head Quarters),
Hindu Religious Charitable Endowment,
No.119, Uthamar Gandhi Road,
Nungambakkam,
Chennai- 600 034.



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WP No.13477 of 2



J.SATHYA NARAYANA PRASAD J.

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