



W.P.(MD)No.14493 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.08.2026**

CORAM

THE HONOURABLE **MR.JUSTICE RAJNISH PATHIYIL**

W.P.(MD)No.14493 of 2016

and

W.M.P(MD)Nos.10741 of 2016 and 12315 of 2018

Arulmighu Sri Prasanna Venkatachalapathy Temple,
Represented by its Hereditary Trustee,
Pitchumani Iyengar

... Petitioner

vs.

1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam,
Chennai – 34.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Tiruchirappalli.

3.J.Nagarajan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the 1st Respondent in R.P.No.132/2016 D2 dated 12.07.2016 and thereby confirming the order of the 2nd Respondent in A.P.No.1/2013 dated 30.01.2016 and quash the same as arbitrary, illegal and capricious.



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For Petitioner : Mr.G.Kandha Vadivelan
For R-1 & R-2 : Mr.P.Pethu Rajesh
Additional Government Pleader
For R-3 : Mr.C.Guhaseelarupan

ORDER

Heard Mr.G.Kandha Vadivelan, learned counsel for the petitioner, Mr.P.Pethu Rajesh, learned Additional Government Pleader for Respondents 1 and 2 and Mr.C.Guhaseelarupan, learned Counsel for the 3rd Respondent.

2. The present Writ Petition has been filed by the Hereditary Managing Trustee of Arulmighu Sri Prasanna Venkatachalapathy Temple, seeking issuance of a Writ of Certiorari to challenge the impugned order passed by the 1st respondent in R.P.No.132/2016 D2, dated 12.07.2016, whereby the order passed by the 2nd respondent in A.P.No.1/2013, dated 30.01.2016, was confirmed.

3. The narrative of the facts, as seen from the affidavit filed in support of the Writ Petition, is that the Temple is a famous Vaishnavite Temple in Tamil Nadu and is governed by a scheme of



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management framed under the provisions of the Hindu Religious and Charitable Endowments Act.

4. It is the case of the petitioner that the 3rd respondent, viz., J.Nagarajan, was appointed as an Accountant on 26.03.1981 and that his cousin brother, viz., M.Vaithiyalingam, was employed as a Manager in the same Temple. After the retirement of M.Vaithiyalingam, the 3rd respondent was promoted as Manager.

5. It is the case of the petitioner that the 3rd respondent did not report for duty on 16.07.2010 and remained continuously absent without authorisation or any explanation. It is further stated that his whereabouts were not known. It is set out in the affidavit filed in support of the Writ Petition that the 3rd respondent was leading a lavish lifestyle and had borrowed loans from banks and financial institutions, resulting in his indebtedness, and that, therefore, he did not turn up for duty. On 08.02.2011, a resolution was passed removing the 3rd respondent from the post, and another person was appointed against the vacancy that arose due to the unauthorised and wilful absence of the 3rd respondent.



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6. Aggrieved by the said order, the 3rd respondent preferred an appeal under Section 56(2) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, before the 2nd respondent in A.P.No.1 of 2013. After conducting an enquiry, examining the witnesses and considering the documents relied upon by the parties, the 2nd respondent set aside the order of removal and directed reinstatement of the 3rd respondent, however, without back wages.

7. Aggrieved by the said order, the petitioner preferred a revision petition in R.P.No.132 of 2016 before the 1st respondent, raising various grounds. It is the case of the petitioner that, after due enquiry, the revision petition was dismissed by the 1st respondent on 12.07.2016, thereby confirming the order passed by the 2nd respondent. Hence, the present Writ Petition has been filed challenging the said orders.

8. Various contentions have been urged by the learned counsel for the petitioner in support of the Writ Petition, challenging the order dated 12.07.2016.



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9. The principal contentions are that the impugned order is arbitrary and based on extraneous considerations, in violation of the principles of natural justice, and that, since the 3rd respondent had not furnished his correct and proper address, the communications could not have been duly addressed to him.

10. The short point for consideration in the present Writ Petition is as to whether this Court, in exercise of its writ jurisdiction, can re-appreciate the evidence recorded by the 2nd respondent, being the first appellate authority, and the 1st respondent, being the revisional authority, and arrive at a different conclusion.

11. It is also brought to the notice of this Court that the 3rd respondent died on 06.09.2024 and that what remains to be decided is only the retirement benefits payable to him.

12. I have perused the impugned order dated 12.07.2016, which is challenged in the present Writ Petition. I have also given anxious consideration to the order passed by the first appellate authority. I find that both the authorities below have considered the contentions



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raised by the revision petitioner as well as the appellant in their proper perspective. There does not appear to be any violation of the principles of natural justice, as is evident from the contentions recorded in the respective orders.

13. The issue as to whether the 3rd respondent had wilfully absented himself from duty, warranting the imposition of punishment, has also been considered. The explanation submitted by the 3rd respondent was considered at length by the authorities. The petitioner had even engaged a counsel, who appeared before the revisional authority and contested the order passed by the appellate authority. Thus, it would not lie in the mouth of the petitioner to contend that adequate opportunity was not granted to him while passing the order.

14. As regards the other grounds urged, namely, that the impugned order was passed on extraneous considerations, there are no materials or averments in the affidavit filed in support of the Writ Petition to substantiate such contentions or grounds. The other grounds urged also do not support the case of the petitioner.



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15. Moreover, the 3rd respondent is no more. At this point of time, going into the issue of non-communication of notice, etc., would be a futile exercise, particularly when the impugned order is a reasoned order. Therefore, I find no reason to interfere with the order passed by the revisional authority.

16. In the light of the above observations, the Writ Petition stands **dismissed**. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
Nsr

11.08.2026

To:

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- 2.The Joint Commissioner,
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RAJNISH PATHIYIL, J.

Nsr

Order made in
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