

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE Dr. JUSTICE P.DEVADASS

W.A.No.1708 of 2015
and
M.P.No.1 of 2015

- 1.Govind Das Purshotham Das,
Presiding Hereditary Trustee,
Arulmigu Lakshmi Narasimha Swamy Temple,
Palayaseevaram-631 606.
Kancheepuram District.
- 2.Surendra Kumar V.Shroff,
Hereditary Trustee,
Arulmigu Lakshmi Narasimha Swamy Temple,
Palayaseevaram-631 606.
Kancheepuram District.
- 3.Mathura Das Hari Das,
Hereditary Trustee,
Arulmigu Lakshmi Narasimha Swamy Temple,
Palayaseevaram-631 606.
Kancheepuram District. ... Appellants/Petitioners

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Nungambakkam,
Chennai-600 034.
- 2.The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Kancheepuram. .. Respondents/Respondents

This writ appeal is preferred under Clause 15 of Letters Patent against the order dated 17.02.2015 passed in W.P.No.33795 of 2013.

This petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari calling for the records of the first respondent comprised in his proceedings in Se.Mu. Na.Ka. No.56980/2013/A1 dated 15.11.2013 and quash the same in so far as it relates to the suspension of the petitioners as Trustees of Arulmigu Sree Lakshmi Narasimha Swami Temple Palayaseevaram as being violative of Section 54(3) of the Tamil Nadu Hindu Religious and Charitable Endowments Act 1959 besides being violative of the principles of natural justice

For Appellants : Mr.S.Parthasarathy
for Mr.Adithya Reddy
For Respondents : Mr.P.Sanjy Gandhi, AGP

JUDGMENT

(The Judgment of the Court was made by SATISH K. AGNIHOTRI, J.)

The instant appeal arises from the order dated 17th February, 2015 passed by the learned Single Judge in W.P.No.33795 of 2013.

2 The writ petitioners / appellants herein filed the writ petition, questioning the legality and validity of the proceedings in Se.Mu.Na.Ka.No.56980/2013/A1 dated 15th November, 2013 of the first respondent in respect of suspension of the appellants. The first respondent, who is the overall in-charge of the Hindu Religious and Charitable Endowments Department in the State of Tamil Nadu, noting several complaints against hereditary trustees, which were found grave in nature and in violation of the provisions of the Hindu Religious and Charitable Endowments Act, 1959, placed the writ petitioners / hereditary trustees under suspension, appointing the Assistant Commissioner, Kancheepuram as Officiating Thakkar of the temple.

3 Considering the pendency of the enquiry in respect of several charges, the Commissioner came to the conclusion that it was necessary to protect the temple lands. Thus, the impugned order placing the hereditary trustees under suspension as an interim measure was passed.

4 The learned Single Judge, considering all aspects of the matter, came to the conclusion that the impugned proceeding was an order of interim suspension subject to outcome of the

enquiry. However, further time of fifteen days was granted to the writ petitioners / appellants to submit their reply.

5 We have examined the charges, which appear to be serious in nature, as the allegation is of illegal quarrying. We are not disposed to make any observation on the charges as the challenge before the writ court was the suspension as an interim measure. Agreeing with the finding and observation made by the learned Single Judge, we dismiss the appeal, granting liberty to the appellants to file their reply to the charges, if any, within a period of fifteen days from today. The authorities are further directed to conclude the enquiry and take final decision in accordance with law and on its own merit, within a period of eight weeks from the date of receipt of the reply, if any. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vvk

To

- 1.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Nungambakkam,
Chennai-600 034.
- 2.The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Kancheepuram.

+ 1 cc to Mr.Adithya Reddy, Advocate, SR.67094
+ 1 CC to Spl. Govt. Pleader [HR & CE] SR NO 66883[25/5]

W.A.No.1708 OF 2015

JSV(CO)
Eu 22.12.15