

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.01.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

WP.No.1945 of 2015

and

M.P.No.1 of 2015

Bharath Kumar .. Petitioner

versus

1. The Joint Commissioner  
HR & CE  
Administration Department  
Vellore.

2. K.V.Chalapathy ...Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the first respondent to hear the objection of the petitioner based on the I.A.(unnumbered) petition dated 19.06.2014 before concluding the enquiry in Na.Ka.No.10446 of 2014.

For Petitioner : Mr.S.C.Vishwanath

For Respondents : Mr.M.L.Mahendran  
Government Advocate for R1

ORDER

Heard Mr.S.C.Vishwanath, learned counsel for the petitioner and Mr.M.L.Mahendran, learned Government Advocate appearing for the first respondent.

2. The petitioner seeks for a direction upon the first respondent to hear the objection of the petitioner based on the I.A. (unnumbered) petition dated 19.06.2014 before concluding the enquiry in Na.Ka.No.10446 of 2014.

3. According to the petitioner, the second respondent herein filed an application before the first respondent to recommend him as a trustee of the temple. The petitioner herein is a worshipper of the temple and according to him, the second respondent suffers from various disqualifications. Therefore, the petitioner seeks to

implead himself in the proceedings and place the facts before the authorities. In this regard, he has submitted an objection petition dated 19.06.2014 and it is yet to be numbered by the first respondent. However, the first respondent without numbering the said petition is attempting to conduct an enquiry. Hence, the present writ petition.

4. Since the writ petition is disposed of at the admission stage itself, without notice to the second respondent, the merits of the allegations made by the petitioner as against the second respondent are left open to be considered by the first respondent. If the first respondent is of the view that the petition submitted by the petitioner is not maintainable, it should pass an appropriate order on the said petition; otherwise the first respondent should entertain the petition submitted by the petitioner and after giving an opportunity of hearing both the petitioner and the second respondent, shall pass orders on merits and in accordance with law. The above direction shall be complied with by the first respondent as expeditiously as possible.

5. The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vj2

To

The Joint Commissioner  
HR & CE  
Administration Department  
Vellore.

1 cc to Mr.C.Vishwanath ,Advocate, SR.No.4927  
1 cc to Spl Government Pleader,Sr.No4951

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pmk.21.2.2015