

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date:- 16.10.2015

Coram

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.28936 of 2014

and

M.P.No.1 of 2014

Dr.N.Dhanapal

..Petitioner

/vs/

1.The State of Tamil Nadu,  
Rep.by the Principal Secretary to Government,  
Tourism, Culture and Religious Endowments Department,  
Secretariat, Chennai-9.

2.The Commissioner,  
Hindu Religious and Charitable Endowments Dept.,  
Nungambakkam, Chennai-34.

3.The Enquiry Officer,  
The Additional Commissioner(Tirupani),  
Hindu Religious and Charitable Endowments Dept.,  
Nungambakkam, Chennai-34.

4.Thiru.P.Dhanapal,  
Commissioner,  
Hindu Religious and Charitable Endowments Dept.,  
Nungambakkam, Chennai-34.

..Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records on the file of the 2<sup>nd</sup> respondent proceedings Na.Ka.59872/2012/B1 dated 27.12.2013 appointing the third respondent as the Enquiry Officer as against the petitioner as the same is bereft of authority and quash the same.

For Petitioner : Mr.A.Palaniappan  
For Respondents 1 to 3 : Mr.A.L.Somayaji  
Advocate General  
assisted by  
Mr.K.V.Dhanapalan,  
Additional Government Pleader

O R D E R

This Writ Petition has been filed challenging the order dated 27.12.2013 passed by the fourth respondent appointing the third respondent as Enquiry Officer. The challenge to the impugned order was on the ground that the fourth respondent lacks jurisdiction to appoint an Enquiry Officer and it is only the Government that could appoint the Enquiry Officer.

2. The learned Additional Government Pleader has produced a copy of the Government Order in G.O.(D).No.140 dated 16.09.2015 by which the Government has appointed new Enquiry Officer in the cadre of Additional Commissioner to inquire into the charges framed against the petitioner.

3. In the light of the above, the impugned order dated 27.12.2013 does not survive and the Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

mra

To

1.The Principal Secretary to Government,  
Tourism, Culture and Religious Endowments Department,  
Secretariat, Chennai-9.

2.The Commissioner,  
Hindu Religious and Charitable Endowments Dept.,  
Nungambakkam, Chennai-34.

3.The Enquiry Officer,  
The Additional Commissioner(Tirupani),  
Hindu Religious and Charitable Endowments Dept.,  
Nungambakkam, Chennai-34.

+1 cc to Special Government Pleader (HR & CE) sr.57814

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