

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.8804/2015 & MP.No.1/2015

D.Eswaran

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Petitioner

Versus

1.The Commissioner
Hindu Religious & Charitable
Endowments [Administration]
Department, Mahatma Gandhi
Road, Nungambakkam, Chennai 600 034.

2.The Joint Commissioner
Hindu Religious & Charitable Endowments
[Administration] Department, Villupuram.

3.Fit Person/The Inspector
Hindu Religious & Charitable Endowments
[Administration] Department, Gingee.

Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorari calling for the records of the 1st respondent in his proceedings dated 02.01.2015 in RP.No.105/2014 in confirming the order of the 2nd respondent in his proceedings No.Se.Mu.Na.Ka.No.5141/2014/E2 dated 05.08.2014 insofar as it relates to the appointment of the 3rd respondent as Fit Person for the temple namely Sri Varadhraya Perumal situated at Gengapuram village, Gingee Taluk, Villupuram District and quash the same.

For Petitioner : M/s.G.Sumithra

For Respondents: Mr.M.L.Mahendran, GA

ORDER

Heard M/s.G.Sumithra, learned counsel appearing for the petitioner and Mr.M.L.Mahendran, learned Government Advocate accepting notice for the respondents and with their consent, the writ petition itself is disposed of at the admission stage itself.

2.The petitioner challenges the order passed by the Commissioner, HR&CE Department, dated 02.01.2015 in RP.No.105/2014. This order was passed in a Revision Petition dated 05.08.2014 by which, while issuing the Charge Memo to the petitioner, the petitioner was placed under suspension from his Hereditary Trusteeship.

3.The petitioner would contend that the impugned order is passed without due application of mind and the 1st respondent failed to take into consideration that the charges against the petitioner are technical and trivial in nature and does not warrant interim suspension or appointment of a Fit Person. Further, the factual averments are also been pleaded in the affidavit in support of this writ petition, which have been reiterated elaborately by the learned counsel for the petitioner.

4.On a perusal of the proceedings dated 05.08.2014, it is seen that there are 8 charges framed against the petitioner and the petitioner has been granted 15 days time to submit his objections/explanation. Pending consideration of the explanation and enquiry into the charges, a Fit Person has been appointed as an interim measure. Therefore, no error can be attributed to the order appointing the Fit Person as an interim measure nor in the issuance of the charge memo dated 05.08.2014. Therefore, the impugned order confirming the order of interim suspension passed by the 1st respondent cannot be found fault with. Accordingly, the prayer sought for by the petitioner to quash the impugned proceedings stands rejected.

5.It is seen that the petitioner has been given 15 days time to submit his explanation to the Charge memo. However, the petitioner has not submitted his explanation. But, in the interregnum, he has filed a revision petition before the Commissioner as against the interim suspension which is also been rejected by the impugned order and confirmed by this Court.

6.In the light of the above, there will be a direction to the petitioner to submit his explanation/objections to the charge memo dated 05.08.2014 within a period of 15 days from the date of receipt of a copy of this order. On receipt of such explanation from the petitioner, the 2nd respondent shall conduct an enquiry into the matter after affording an opportunity of personal hearing to the petitioner, consider the submission made by the petitioner as well as the documents which he may produce and pass final orders on merits and in accordance with law within a period of thirty [30] days from the date on which the personal hearing of the petitioner is concluded.

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

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

AP

To

- 1.The Commissioner
Hindu Religious & Charitable
Endowments [Administration]
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Road, Nungambakkam, Chennai 600 034.
 - 2.The Joint Commissioner
Hindu Religious & Charitable Endowments
[Administration] Department, Villupuram.
 - 3.Fit Person/The Inspector
Hindu Religious & Charitable Endowments
[Administration] Department, Gingee.
- 1 cc to M/s. G.Sumitra, Advocate, Sr. 17423

WP.No.8804 of 2015

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