



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2015

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P. (MD) No.18726 of 2015
and
M.P. (MD) No.1 of 2015

Murugesan

... Petitioner

-vs-

1.The Joint Commissioner
O/o.Joint Commissioner
Hindu Religious and Charitable
Endowment Office
Madurai

2.The Executive Officer
Arulmighu Srinivasa Perumal Temple
Dindigul

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorari to call for the records relating to the proceedings of the first respondent, dated 27.09.2015, made in Se.Mu.Na.Ka.No.11132/2013/A1 and quash the same.

For Petitioner : Mr.N.Shanmugaselvam

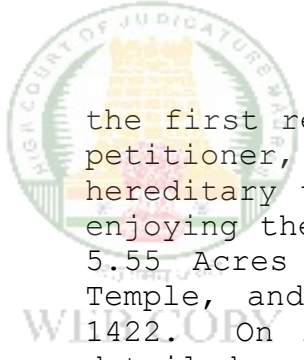
For Respondents : Mr.Muthugeethaian
for Mr.A.K.Baskarapandian for R2

O R D E R

Mr.Muthugeethaian, learned counsel, takes notice for the second respondent. With the consent of both parties, this writ petition is taken up for final hearing at the admission stage itself.

2. The prayer in the writ petition is for issuance of a writ of certiorari to call for the records relating to the proceedings of the first respondent, dated 27.09.2015, made in Se.Mu.Na.Ka.No.11132/2013/A1 and to quash the same.

3. According to the petitioner, his father was the hereditary trustee of Arulmighu Mariamman Thirukkivil, situated at Alambadi, Chathirapatti, Vedasandur Taluk, Dindigul District and after his demise he is continuing as the hereditary trustee of the said Temple. The said Temple is not included in the list published under Section 49(1) of H.R. & C.E.Act. His father was looking after the administration of the Temple as hereditary trustee, as per the proceedings of the Assistant Commissioner, Madurai, dated 26.12.1988, in O.S.No.11 of 1988. In such circumstances,



the first respondent issued a charge memo, dated 19.03.2015, to the petitioner, alleging that he has not registered his name as the hereditary trustee of the Temple, he has not appeared for enquiry, he is enjoying the lands in S.F.Nos.215 and 806, measuring about 3.46 Acres and 5.55 Acres respectively, without restoring it for the benefit of the Temple, and he has not submitted accounts of the Temple for the Fasli 1422. On receipt of the said charge memo, the petitioner submitted a detailed reply, dated 13.04.2015, for each charges. However, the first respondent, passed the impugned order, dated 27.09.2015, suspending the petitioner from the Hereditary Trusteeship and appointing the second respondent as the Trustee of the said Temple.

4. Aggrieved, the petitioner has filed this writ petition.

5. The learned counsel for the petitioner, assailing the impugned order, would submit that the charges levelled against the petitioner are vague and there is no specific allegation against the petitioner. Further, he would submit that the first respondent, without considering the explanation submitted by the petitioner, has passed the impugned order without application of mind.

6. The learned counsel appearing for the second respondent would submit that even assuming that the charges levelled against the petitioner are vague, the petitioner is having an alternative remedy before the Commissioner of H.R. & C.E.Department, under Section 53(5)(ii) of Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. In support of his contention, he has placed reliance upon the decision in *V.Vadivelu v. The Joint Commissioner, H.R. & C.E.Department*, reported in 2010 (1) CWC 881.

7. This Court finds much force in the submission of the learned counsel for the second respondent that the petitioner is having an alternative remedy before the Commissioner, H.R. & C.E. Department, under Section 53(5)(ii) of Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. Therefore, the petitioner is directed to work out his remedy before the Commissioner, H.R. & C.E. Department, by preferring appeal, if he is so advised, within a period of one week from the date of receipt of a copy of this Order. On receipt of the same, the Commissioner, H.R. & C.E. Department, is directed to consider the petitioner's appeal and pass appropriate orders on merits and in accordance with law, within a period of six weeks thereafter.

8. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Note to Office : Registry is directed to mark a copy of this Order to the Commissioner, H.R. & C.E. Department, Nungambakkam, Chennai.

sd/-

Assistant Registrar(Per.Admin)

/True copy/



krk

To:

1.The Joint Commissioner,
O/o.Joint Commissioner,
Hindu Religious and Charitable
Endowment Office,
Madurai.

2.The Executive Officer,
Arulmighu Srinivasa Perumal Temple,
Dindigul.

3. The Commissioner, H.R. & C.E., Department,
Nungambakkam, Chennai.

+1CC to Spl.Government Pleader Sr.No.61663
+1CC to Mr.N.Shanmugaselvam Advocate Sr.No.61046
+1CC to Mr.A.K.Baskarapandian Advocate Sr.No.61117

GJM/KBM/27.10.15-2P-7C

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