

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2017

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WRIT PETITION Nos.20949 & 20950 of 2017  
and  
W.M.P.Nos.21838 & 21839 of 2017  
and  
W.M.P.Nos.21840 & 21841 of 2017

L.Mariappan ... Petitioner in W.P.20949 of 2017  
P.Raja ... Petitioner in W.P.20950 of 2017

Vs.

1. The Joint Commissioner,  
Hindu Religious and Charitable  
Endowment Department,  
Salem.
2. The Fit Person,  
A/m.Mariamman Thiru Koil,  
Avadhanapatti, Krishnagiri Taluk,  
Krishnagiri District. ... Respondents in Both W.Ps

Common Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to Se.Mu.Nada.Na.Ka.No.13799/2016/Aa4 dated 17.02.2017 of the 1<sup>st</sup> respondent and quash the orders passed therein and consequently direct the respondents herein to allow the petitioner to continue his services as poojari of A/m.Mariamman Temple, Avadhanapatti Village, Krishnagiri Taluk Krishnagiri District.

For Petitioner : Mr.W.M.Abdul Azeez  
In Both W.Ps

For Respondents : Mr.M.Maharaja  
Special Government Pleader  
(Hindu Religious & Charitable  
Endowment)  
for R1 in Both W.Ps

C O M M O N O R D E R

The order impugned in this writ petition dated 17<sup>th</sup> February, 2017, is the order passed by the Joint Commissioner of Hindu Religious and Charitable Endowment Department. With

regard to the claim made out by the writ petitioner for performing poojas at A/m.Mariamman Thiru Koil situated at Avadhanapatti, Krishnagiri Taluk, Krishnagiri District.

2. The learned counsel for the writ petitioner contended that he is acquitted from the Criminal Case, his name has not even arrayed as an accused in the criminal proceedings and therefore, the very order passed by the Joint Commissioner is untenable.

3. The learned Special Government Pleader on behalf of the respondents contended that all these merits and demerits of the case shall be adjudicated before the Commissioner under Section 21 of the Hindu Religious and Charitable Endowment Act and even thereafter, the Government has got powers to call for the records and pass orders under Section 114 of the said Act. The writ petitioner has not exhausted the remedies available under the Act and therefore the writ petition is devoid on merits and cannot be entertained at this stage.

4. This Court is of the view that under Section 21, the Act, Commissioner may call for and examine the records of any Joint or Deputy or Assistant Commissioner of any religious institutions other than a math or a specific endowment attached to a math in respect of any proceedings under the Act. Thus, the Commissioner has got powers to call for the records, conduct an enquiry and pass orders on merits and in accordance with law. The Commissioner being a quasi judicial authority under the Act, he has got all the powers to conduct an enquiry in the manner known to law.

5. In this view of the matter entertaining this writ petition, at this point of time on merits is not preferable. The writ petitioner has to avail the opportunities to adjudicate the matter on merits under the Act before the competent authority.

6. In this view of the matter, no further adjudication needs to be undertaken in this writ petition. Accordingly, the writ petition stands dismissed. However, there is no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(CS IV)

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Sub Assistant Registrar

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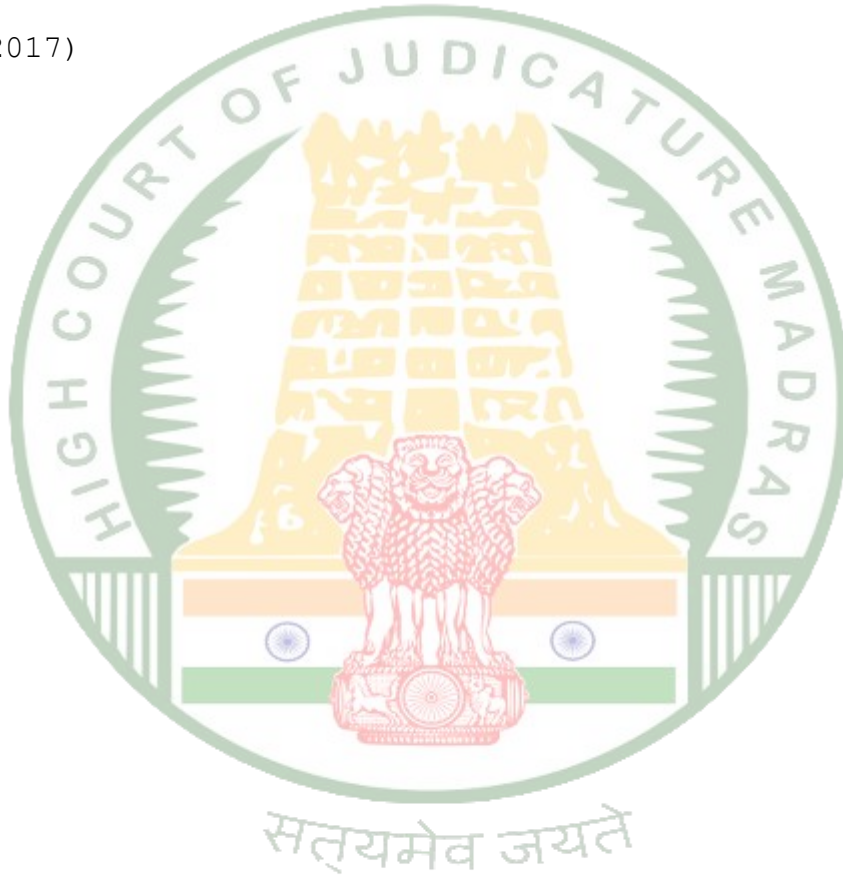
To

The Joint Commissioner,  
Hindu Religious and Charitable  
Endowment Department,  
Salem.

+lcc to Mr.W.M.Andul Majeed, Advocate, S.R.No.56738

W.P.Nos.20949 & 20950 of 2017

CS IV  
CA(04/09/2017)



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