



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.14391 of 2017

and

W.M.P (MD) No.11276 of 2017

Manoharan

... Petitioner

Vs.

1.The Joint Commissioner
HR & CE Department,
Mayiladuthurai,
Nagapattinam District.

2.The Executive Officer/ Thakkar
HR & CE Department,
Thiruvadaimaruthur,
Thanjavur district.

3.R.Venkatraman ... Respondents
3rd respondent impleaded as per order passed in
WMP (MD) No.14078 of 2017 dated 21.09.2017

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records relating to the proceedings of the first respondent made in Se.Mu.Na.Ka.11183/2016-3/A1, dated 27.07.2017 and the consequential proceedings of first respondent made in Se.Mu.Na.Ka.11183/2016-4/A1, dated 27.07.2017 and quash the same.

For Petitioner	: Mr.K.Govindarajan
For R1 & R2	: S.Kumar, Additional Government Pleader
For R3	: D.Selvanayagam

O R D E R

This writ petition has been filed, seeking to quash the impugned proceedings passed by the first respondent in Se.Mu.Na.Ka.11183/2016-3/A1 and Se.Mu.Na.Ka.11183/2016-4/A1 dated 27.07.2017, whereby suspending the petitioner from the Trusteeship.

<https://hcservices.ecourts.gov.in/hcservices/> 2. The learned counsel appearing for the petitioner as well as the learned Counsel appearing for the newly impleaded



third respondent have mutually agreed to take this matter for final disposal.

3. It is the case of the petitioner that he was appointed as hereditary trustee on 04.12.2015 pursuant to the decree granted in his favour. It is the specific case of the petitioner that six idols, belonging to various other temples were kept in the premises of the Arulmigu Pasupatheeswarar Temple, Panthanallur and the same were found missing and the safety room key of the said idols are only with the archakar as well as the Officials of the HR & CE Department. The Official of the HR & CE Department/the first respondent herein passed the impugned proceedings dated 27.07.2017, suspending him from the post of hereditary trustee in order to escape from their liability and appointed the Executive Officer / Thakkar to the Temple. Aggrieved by the same, the petitioner has come before this Court with the above said prayer.

4. The learned counsel for the petitioner would submit that there is violation of principles of natural justice, inasmuch as no notice had been issued by the respondents to the petitioner before taking such a decision.

5. Admittedly, the impugned order came to be passed against the petitioner, who took charge in the year 2015 and further the Joint Commissioner who is arrayed as an accused in the idol theft case has passed the impugned order dated 27.07.2017. Therefore, this Court is of the view that the impugned order is liable to be set aside on the said particular ground alone.

6. Accordingly, this petition is allowed and the impugned proceedings of the first respondent made in Se.Mu.Na.Ka.11183/2016-3/A1, dated 27.07.2017 and the consequential proceedings of first respondent made in Se.Mu.Na.Ka.11183/2016-4/A1, dated 27.07.2017, are set aside. This Court is of the opinion that no purpose would be served in remitting the matter again back to the 1st respondent for fresh consideration, as he had been cited as an accused in the idol theft case. Therefore, the matter is remitted to the Commissioner of HR & CE Department, who, in turn is directed to look into this issue and pass appropriate orders afresh on merits and in accordance with law. It is made clear that in the event of the Commissioner finding out the possibility of the petitioner's nexus in the commission of the offence of idol theft, it is open to him to proceed further as per law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True copy/



To:

1.The Joint Commissioner
HR & CE Department,
Mayiladuthurai,
Nagapattinam District.

2.The Executive Officer/ Thakkar
HR & CE Department,
Thiruvadaimaruthur,
Thanjavur district.

3.The Commissioner
HR & CE Department,
Chennai.

+1cc to Mr.D.SELVANAYAGAM, Advocate, SR.80747

W.P (MD) No.14391 of 2017
21.09.2017

RM
KK/SV MMS/SAR 2/10.10.2017/ 3P- 5C/