



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P(MD) No.14759 of 2017 and
W.M.P.(MD) No.11592 of 2017

P.Sivaji Poosari

... Petitioner

-vs-

1. The Commissioner,
Hindu Religious and Charitable
Endowments Administration Department,
119, Uthamar Gandhi Salai,
Chennai - 34
2. The Joint Commissioner,
Hindu Religious and Charitable
Endowments Administration Department,
Madurai - 625 001.
3. The Deputy Commissioner / Executive Officer,
Arulmigu Pandi Muneeswarar Temple,
Melamadai, Madurai District.
4. The fit person,
Arulmigu Pandi Muneeswarar Temple,
Melamadai, Madurai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records of the impugned order of the third respondent in proceedings Se.Mu.Na.Ka.No.48 of 2017 Aal, dated 14.06.2017 issued to the petitioner and quash the same as illegal.

For Petitioner

: Mr.K.Chellapandian,
Senior Counsel for
Mr.R.R.Kannan

For Respondent Nos.1 &2

: Mr.J.Gunaseelan Muthiah
Govt. Advocate

For respondent No.3

: Mr.M.Muthugeethayan

For respondent No.4

: Mr.V.R.Shanmuganathan,
Spl.Government Pleader

**ORDER**

This writ petition has been filed to call for the records of the impugned order of the third respondent in proceedings Se.Mu.Na.Ka.No.48 of 2017 Aal, dated 14.06.2017 issued to the petitioner and quash the same as illegal.

2. The petitioner is the hereditary Managing Trustee of the temple as per the proceedings of the second respondent in Ni.Mu.20362 / 83 dated 09.12.1983. By way of proceedings dated 02.03.2016, the petitioner along with seven other hereditary trustees were temporarily suspended from the Hereditary Trusteeship and thereafter, they were suspended permanently and a fit person was also appointed. Challenging the same, the petitioner has filed the present Writ Petition.

3. In an identical situation the Hon'ble Division Bench of this Court in W.A.No.633 of 2012 (**G. Raguraman Vs. The Assistant Commissioner HR and CE Board, Vekkaliyamman Koil, Woraiyur, Thiruchirappalli and others**) dated 18.08.2014, has held as follows:-

"This Court disposed of the Writ Petition with the following directions:-

"3. I am of the considered view that on a reference to the impugned order of suspension, it could be seen that in the suspension order a reference is made, which is a proceedings of the Thakkar dated 23.07.2012, by which a resolution has been passed by the Thakkar resolving to suspend the petitioner from service. Therefore, this order is only a communication pursuant to the resolution passed by the Thakkar."

4. A perusal of the order would show that the impugned order is nothing but a communication with regard to the resolution passed by the Thakkar, which is evident from the paragraph no.11 of the impugned order. Therefore, following the above judgment the Writ Petition is disposed of with liberty to the petitioner to proceed further in accordance with law. No costs. Consequently connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar



To:

1. The Commissioner,
Hindu Religious and Charitable
Endowments Administration Department,
119, Uthamar Gandhi Salai,
Chennai - 34
2. The Joint Commissioner,
Hindu Religious and Charitable
Endowments Administration Department,
Madurai - 625 001.
3. The Deputy Commissioner / Executive Officer,
Arulmigu Pandi Muneeswarar Temple,
Melamadai, Madurai District.

+ 1 CC TO Mr.R.R.KANNAN, ADVOCATE IN SR No. 80446
+ 1 CC TO Mr.M.MUTHUGEETHAIYAN, ADVOCATE IN SR No. 80093
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 80854

TRP/PSD

TE/KP/SAR-I : 02/11/2017 : 3P/7C

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