



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 06.09.2017

CORAM :

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND**

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.14822 of 2017

and

W.M.P (MD) Nos.11668 & 11669 of 2017

M.Solaikannan

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep.by its Secretary to Government,
Tourism, Culture and Hindu Religious
and Charitable Endowments Department,
Secretariat, Chennai - 600 009.
- 2.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam, Chennai-600 034.
- 3.The Superintendent of Police,
Madurai Rural District, Madurai.
- 4.The Inspector of Police,
Peraiyur Police Station, Madurai District.
- 5.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Madurai Region, Madurai.
- 6.R.Pachaiyappan
The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Madurai Region, Madurai.
- 7.The Executive Officer,
Arulmigu Sundaramahalinga Samy Temple, Sathuragiri,
Peraiyur Taluk,
Madurai District.
- 8.Guru Jothi, Executive Officer,
Arulmigu Mayuranathaswami Temple,
Rajapalayam, Virudhunagar District.
- 9.C.Muthu Thiyagarajan, Joint Commissioner,
HR & CE Department (retired), 96 O Street,
Vannarapettai, Tirunelveli - 627 003.



(R8 & R9 are suo motu impleaded
vide Court order dated 23.08.2017
made in WP(MD)No.14822 of 2017)

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the respondents 1 and 2 to relieve the 6th respondent from the office of the fifth respondent till the disposal of the complaint of stealing the temple money at the time of Hundi opening day on 20.08.2013 which is now pending on the file of the 3rd and 4th respondents and direct the 3rd and 4th respondents to take appropriate action on the complaint of the seventh respondent dated 23.06.2014 within a time frame.

For Petitioner : Mr.A.Kannan

For Respondents : Mr.M.Govindan,
Spl.Govt.Pleader for R1 to R5 and R8

Mr.S.T.Sasidharan Tamilkani for R6

Mr.V.R.Shanmuganathan for R7

Mr.C.Muthuthiyagarajan party in person for R9

O R D E R

(Order of the Court was made by G.R.SWAMINATHAN, J.)

The writ petitioner alleges that on 20.08.2013, when the Hundi of Arulmigu Sndaramahalinga Swamy Temple, Sathuragiri was opened and the offerings of the devotees were being counted, the sixth respondent herein who was the Second Lock Officer then stealthily removed a bundle containing 1000 Rupee notes and that this act of the sixth respondent was also captured in the CCTV.

2.It is the allegation of the writ petitioner that the seventh respondent herein lodged complaint with the Superintendent of Police, Madurai District. But there was no follow up action. In the mean while, the sixth respondent has been promoted as the Joint Commissioner, HR & CE Department, Madurai Region and that he would have supervisory jurisdiction over the seventh respondent. Since a fair enquiry would not be possible with the sixth respondent at helm of affairs, the writ petitioner has sought a direction for relieving him from the O/o the Joint Commissioner, HR & CE Department, Madurai Region. The writ petitioner has also sought a few other directions. Since serious allegations have been made, this Court *suo motu* impleaded the then Executive Officer of seventh respondent temple and also the then Joint Commissioner, HR & CE Department, Tirunelveli as 8th and 9th respondents. They also filed their counter affidavits.



3.The 8th respondent has affirmed before this Court that he was compelled to lodge the complaint against the sixth respondent. When this Court wanted to know the fate of the police complaint, it was submitted that investigation has been taken up and that statement of witnesses have been recorded. The fourth respondent has specifically averred that the investigation is almost complete. In view of the stand taken by the original complainant, the plea regarding direction to remove the sixth respondent from the O/o the Joint Commissioner, HR & CE Department, Madurai Region is rejected.

4.This Court directs the fourth respondent to complete the investigation in accordance with law and submit a final report before the appropriate authority. At this stage, the learned Special Government Pleader appearing for HR & CE Department submitted that the term final report could be misunderstood. We make it clear that it is for the police to decide as to whether an offence is made out against the sixth respondent or not.

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

Sd/-

Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar

To

- 1.The Secretary to Government,
Tourism, Culture and Hindu Religious and Charitable
Endowments Department,
Secretariat, Chennai - 600 009.
 - 2.The Commissioner, Hindu Religious and Charitable
Endowments Department, Nungambakkam, Chennai-600 034.
 - 3.The Superintendent of Police, Madurai Rural District, Madurai.
 - 4.The Inspector of Police, Peraiyur Police Station,
Madurai District.
 - 5.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Madurai Region, Madurai.
- +1cc to M/S.A.KANNAN, Advocate SR.No.77030
+1cc to M/S.S.T.SASIDHARAN TAMILKANI, Advocate SR.No.76912
+3cc to M/S.C.MUTHU THIGARAJAN, Advocate SR.No.77035

SkM / Arul

MAS/KK/SAR1:25.09.2017:3P-11C

W.P(MD)No.14822 of 2017

and

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