



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 31.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

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W.P(MD) No.16811 of 2016 and
W.M.P.(MD) Nos.12197 of 2016 & 691 of 2017

V.Navaneetha Krishnan

...Petitioner

-vs-

1. The State of Tamil Nadu,
Rep. by The Commissioner,
HR & CE Department,
Nungambakkam, Chennai - 600 034.

2. The Assistant Commissioner,
HR & CE., Rock Fort,
Trichy-620 002.

3. Joint Commissioner,
HR & CE., Rock Fort,
Trichy-620 002.

4. R.Ramabadran
5. Srimad Andavan Poundarikapuram,
Swamy Asramam,
Rep. by its Srikaryam,
43-A/13, Asramam Road,
Srirangam, Trichy-620006.

6. The Commissioner of Police,
Trichy City, Trichy.

7. The Inspector of Police,
Srirangam Police Station,
Trichy.

8. R.Seshadri Iyengar

9. R.Sourirajan ... Respondents
(R8 & R9 impleaded vider order dated 20.06.2017)

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari calling for the records of the case relating to the impugned order in Se.Mu.Na.Ka.2246/16/A3 dated 24.06.2016 passed by the 2nd respondent and quash the same.

For Petitioner : Mr.T.Ramesh

For R1 to 3 & 6 & 7 : Mr.S.Kumar

Addl. Govt. Pleader



For R4 : Mr.S.Parthasarathy, Senior Counsel
For M/s.Sarvabhuvan Associates
For R5 : Mr.T.Antony Arul Raj
For R8 : Mr.S.M.S.Johnny Basha
For R9 : Mr.S.Ramesh

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O R D E R

This writ petition has been filed, seeking to quash the order of the 2nd respondent dated 24.06.2016 passed in Se.Mu.Na.Ka.2246/16/A3, by which, an interim order of status quo was passed by the 2nd respondent.

2. The case of the petitioner is as follows:

i) The petitioner is the disciple of Srimad Andavan Poundarikapuram Swamy Asramam, Srirangam and also one of the Committee Members of the said Ashram. In the meeting held on 21.05.2016, it was resolved to request Sri Paravakottai Gopalachari to accept Sainthood and become a successor Pontiff of the Ashram;

ii) Accordingly, Sri Paravakottai Gopalachari gave his consent letter to become 10th Pontiff of the Ashram and a date was fixed as 26.06.2016 to carry out rituals to instate him. While so, the 4th respondent filed a Public Interest Litigation in W.P.(MD) No.11022 of 2016 for a direction to the respondents 1 and 2 to take such steps in accordance with law to ensure the nomination of the next Pontiff of Srimad Andavan Poundarikauram Swamy Ashram, Srirangam by its Srikaryam, wherein an interim order came to be passed, directing the 2nd respondent herein to conduct an enquiry and file a report on or before 30.06.2016.

iii) It is the grievance of the petitioner that the 2nd respondent, without conducting any enquiry, passed the impugned interim order dated 24.06.2016, ordering status quo and the instating ceremony of 10th Pontiff was stalled, thereby stopping the function fixed on 26.06.2016. Aggrieved by the order of the 2nd respondent, the petitioner is before this Court.

3. Heard the learned counsel for the respective parties.

4. It is seen that Ramabadran / 4th respondent herein, on coming to know of the fact that some group of persons are trying to enter into the Ashram after the death of 9th Pontiff, sent a representation dated 20.06.2016 to the 2nd respondent for suitable action and also filed a Public Interest Litigation to protect the interest of the Ashram and its devotees, in which, by an interim order, the 2nd respondent was directed to conduct an enquiry and file a report on or before 24.06.2016. According to the petitioner, the 2nd respondent, without adhering to the order of the 2nd respondent, simply passed the impugned interim order on 24.06.2016, thereby stopping the scheduled function and ordering to maintain status quo, which is per se illegal. However, a

perusal of the impugned order would reveal that the 2nd respondent, while leaving the matter for consideration of the Commissioner, HR&CE, Chennai, had opined that on receipt of the report from the Assistant Commissioner, HR&CE, the Commissioner can only pass an order under Section 60 of the Act. Thus, it is apparent that the said representation dated 20.06.2016 has not attained any finality, as it has been placed before the Commissioner for suitable orders.

5. Under such circumstances, this Court is inclined to issue the following directions in order to give quietus to the issue:

i) The Commissioner, H.R.&C.E. Department shall look into the matter on the basis of the representation dated 20.06.2016 given by Ramabadran / R4, who was the petitioner in W.P.(MD) No.11022 of 2016 and take a decision in one way or the other, within a period of six weeks from the date of receipt of a copy of this order;

ii) The Commissioner, before passing an order on the representation, shall give an opportunity of hearing to all the parties related thereto and status quo to be maintained by the parties till then.

iii) For the sake of brevity, it is clarified that the order to be passed by the Commissioner is only in accordance with the provisions of Section 60 of the Act, as enlightened by the 2nd respondent in the impugned order.

6. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub-Assistant Registrar

To:

1. The Commissioner, State of Tamil Nadu,
HR & CE Department, Nungambakkam, Chennai - 600 034.
 2. The Assistant Commissioner, HR & CE., Rock Fort,
Trichy-620 002.
 3. Joint Commissioner, HR & CE., Rock Fort, Trichy-620 002.
 4. The Commissioner of Police, Trichy City, Trichy.
 5. The Inspector of Police, Srirangam Police Station, Trichy.
- +One cc to Mr.T.Ramesh, Advocate, SR.No.69065
 +One cc to Mr.Sarvabhauman Associates, Advocate, SR.No.69089
 +One cc to Mr.S.M.S.Johnny Basha, Advocate, SR.No.68846
 +One cc to Mr.V.Raghavachari, Advocate, SR.No.69628
 +One cc to Mr.T.Antony Arul Raj, Advocate, SR.No.69252
 +One cc to The Special Government Pleader, SR.No.69752

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