



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 06.01.2017

CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH

Writ Petition (MD) No.18474 of 2013

and

M.P(MD)Nos.1 and 2 of 2013 and 1 of 2014

Arulmigu Sasivarna Vinayakar Temple
represented through its Secretary,
L.Thiruganasambantham Chettiar
Okkur, Sivagangai District.

... Petitioner

Vs.

1.The Joint Commissioner,
HR & CE, Sivagangai District.

2.The Assistant Commissioner,
HR & CE, Paramakudi,
Ramanathapuram District.

3.The Executive Officer,
Vettudaiyar Kaliyamman Temple,
Ariyakurichi,
Sivagangai District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records in Se. Mu.Na.Ka.No.3537/2012/A7 dated 09.12.2012 on the file of the 2nd respondent and quash the same as illegal ultra vires and unconstitutional and consequentially restrain the respondents from in any way interfering with the peaceful possession and administration of the petitioner temple by the Secretary and his other Nagarathar families.

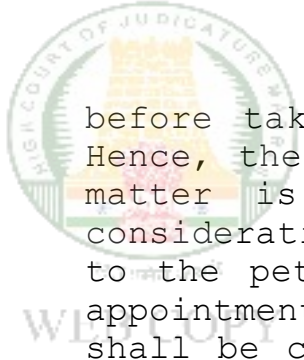
For Petitioner : Mr.S.Ramesh

For Respondents 1&2 : Mr.Aayiram K.Selvakumar,
Government Advocate.

ORDER

The main grievance of the petitioner is that the second respondent had passed the impugned order dated 09.12.2012 appointing the third respondent as Thakkar for the petitioner temple without affording due opportunity to put forth the petitioner's objections.

2.Admittedly, as found in the counter affidavit, no prior notice was served to the petitioner temple before the impugned order was passed which is in violation of principles of natural justice. On this sole ground and without going into the merits and the other grounds raised by the petitioner, it would be appropriate to direct the second respondent to issue prior notice



before taking any final decision on the appointment of Thakkar. Hence, the impugned order dated 09.12.2012 is quashed. The entire matter is remitted back to the second respondent for fresh consideration. The second respondent shall issue show cause notice to the petitioner calling for his objections with regard to the appointment of Thakkar and on receipt of such objections, the same shall be considered, on its own merits and an order be passed in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

3. With the above direction, the writ petition is disposed of. No costs. Consequently, M.P(MD)Nos.1 and 2 of 2013 and 1 of 2014 are closed.

Sd/-

Assistant Registrar(Records)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Joint Commissioner,
HR & CE, Sivagangai District.

2. The Assistant Commissioner,
HR & CE, Paramakudi,
Ramanathapuram District.

+1cc to M/S.THE SPECIAL GOVERNMENT PLEADER, SR NO: 1331

sms

sva/sv/mms/31.01.2017/2p/4c

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