

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:31.01.2018

C O R A M

THE HON'BLE Mr.JUSTICE K. RAVICHANDRABAABU

W.P.No.2015 of 2018  
and  
W.M.P.No.2526 of 2018

Shanthi,  
The Executive Officer,  
Arulmighu Angala Amman Temple,  
Paramathi Village,  
Paramathivelur Taluk,  
Namakkal District. ....Petitioner

vs

- 1.The Inspector,  
Hindu Religious and Charitable Endowments,  
(HR&CE),  
Paramathivelur Division, Paramathivelur Taluk,  
Namakkal District.
- 2.The Joint Commissioner,  
Hindu Religious and Charitable Endowments,  
(HR&CE), Salem. ....Respondent

Prayer:Writ petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorari to call for the records pertaining to the impugned order dated 25.09.2017 vide Na.Ka 132/2017 passed by the first respondent and the impugned order dated 6.10.2017 vide Naka 11475/2017/a2.Thi passed by the second respondent and quash the same.

For petitioner : Mr.B.Jagannath

For Respondents: Mr.M.Maharaja  
Special Government Pleader

O R D E R

This writ petition is filed challenging the proceedings of the respondents, wherein and whereby, the petitioner was called upon to give explanation to the charges levelled against her in respect of the administration of the subject matter temple.

2.Heard both sides.

3. Though several grounds are raised in this writ petition, touching upon the merits of the charges levelled against the petitioner, this Court is not inclined to go into the same and give its finding only on the reason that the impugned proceedings itself is not an order passed against the petitioner finally in respect of the charges levelled against her. On the other hand, it is seen that the petitioner has been given an opportunity to give her explanation to those charges and only when she fails to give her explanation, the respondents will pass orders based on the documents available with them. Therefore, the petitioner is having sufficient opportunity to refute the charges levelled against her by giving proper explanation. Without doing so, filing the present writ petition challenging the impugned proceedings, cannot be entertained.

4. Accordingly, the writ petition is disposed of, by granting liberty to the petitioner to give explanation to the charges within a period of two weeks from the date of receipt of a copy of this order. On receipt of such explanation, it is for the respondents to pass final order on merits and in accordance with law, after giving due opportunity of personal hearing to the petitioner as well. It is open to the petitioner to place all the evidence before the respondents at the time of enquiry. The final order shall be passed within a period of four weeks from the date of receiving explanation from the petitioner.

5. It is made clear that this Court is not expressing any view on the merits of the claim made by the petitioner in respect of the charges levelled against her, as it is for the authorities viz., the respondents to consider and decide the same on merits and in accordance with law, after giving due opportunity of personal hearing to the petitioner. No costs. The connected miscellaneous petition is closed.

Sd/-

Deputy Registrar

/true copy/

Sub Asst. Registrar

vri

To

1. The Inspector,  
Hindu Religious and Charitable Endowments,  
(HR&CE),  
Paramthivelur Division, Paramathivelur Taluk,  
Namakkal District.

2.The Joint Commissioner,  
Hindu Religious and Charitable Endowments,  
(HR&CE), Salem.

+ 1 cc to Mr.B.Jagannath Advocate,SR.7292  
+ 1 cc to The Govt.Pleader, SR.7695

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nr 16/02/2018



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