

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2018

CORAM :

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.2920 of 2011

and

M.P. No.1 of 2011

R. Lakshmi

..Petitioner

Vs.

1. The Commissioner
H.R. & C.E. (Admn.) Department
Chennai - 600 034.
2. The Joint Commissioner
H.R. & C.E. (Admn.) Department
Vellore.
3. The Executive Officer
Thirukachi Nambigal and Varadaraja
Perumal Temple, Poonthamalli
appointed as Executive Officer for
A/m.Krishnasamy and Kothandaramar
Temples, Malayambakkam Village,
Sriperumpudur Taluk
Kancheepuram District.
4. The Executive Officer/ Fit Person
A/m.Adikesavaperumal and
Bashyakarlusamy Temple
Thiruperumpudur
Kancheepuram District.
Now appointed as Fit person for
A/m.Krishnasamy and Kothandaramar
Temples, Malayambakkam Village,
Sriperumpudur Taluk
Kancheepuram District.

..Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records relating to the impugned order of the Joint Commissioner, H.R. & C.E Vellore issued in Se.Mu.Na.Ka. No. 8567/2010 E1 dated 18.1.2011 and to quash the same and pass such further orders.

For Petitioner : Mr.W.C. Sridhar
for Mr.W.C. Thiruvengadam

For Respondents: Mr.M.Maharaja,
Spl.G.P (HR & CE) for R1 & R2

: Mr. A.K. Sridhar for R3

O R D E R

This Writ Petition is filed to quash the order issued by the Joint Commissioner, H.R. & C.E Vellore issued in Se.Mu.Na.Ka. No. 8567/2010 E1 dated 18.1.2011.

2. The learned counsel for the petitioner would submit that the petitioner has preferred an appeal before the Commissioner, H.R. & C.E Chennai, challenging the charges levelled against the petitioner. When the said enquiry was pending for adjudication, the Joint Commissioner has issued the impugned order, temporarily suspending the petitioner under Section 53(4) of the H.R. & C.E. Act. Pursuant to the orders in the appeal, an Executive Officer has been appointed and the petitioner was continuing as an Executive Trustee. It is further submitted that the petitioner as well as the Executive Officer can continue till a decision is taken in the appeal, pending before the Joint Commissioner.

3. The 2nd respondent and the 3rd respondent, have filed their counter affidavits. Heard the learned counsel for the parties and perused the material available on records.

4. In view of the above facts and circumstances, learned counsel appearing for the parties agree for the following orders to be passed by this Court :-

1. Both, the petitioner as well as the Executive Officer can administer the temple, till a decision is taken by the Joint Commissioner, H.R. & C.E Vellore.
2. The Joint Commissioner, H.R. & C.E Vellore is directed to complete the enquiry, providing suitable opportunity to the parties concerned and pass orders on merit, in accordance with law, as expeditiously as possible, preferably within a period of twelve weeks from the date of receipt of a copy of this order.

5. The Writ Petition is disposed of, with the above directions. Consequently, the connected Miscellaneous Petition is closed. No costs.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

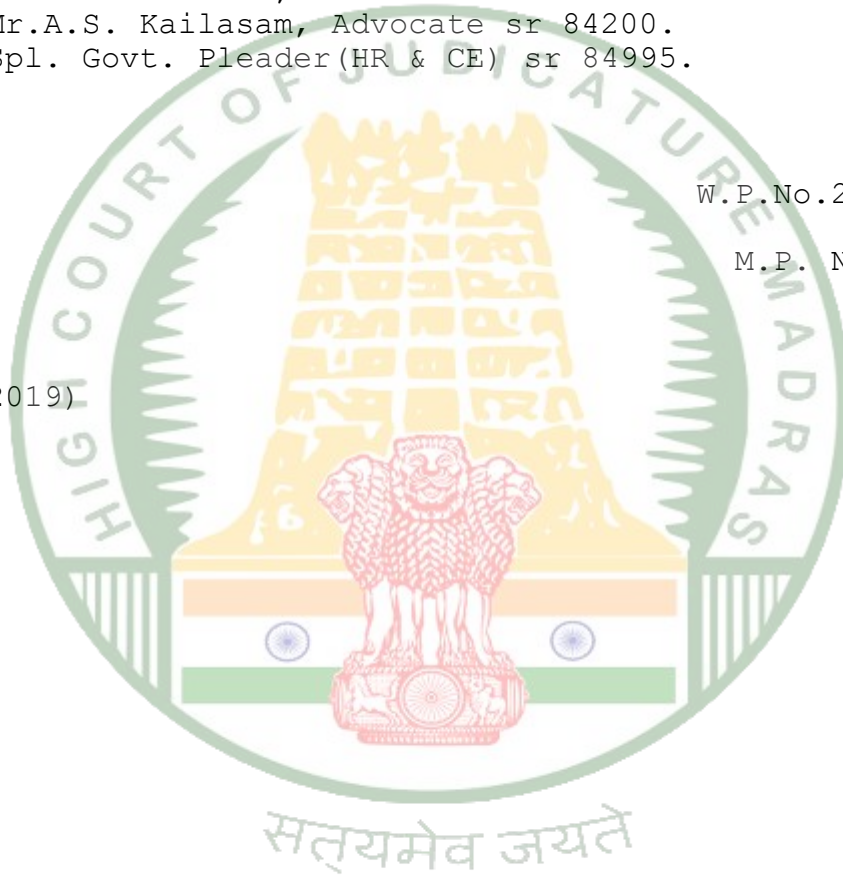
avr
To

1. The Commissioner
H.R. & C.E. (Admn.) Department
Chennai - 600 034.
2. The Joint Commissioner
H.R. & C.E. (Admn.) Department
Vellore.

+1 CC to Mr.W.C. Sridhar, Advocate sr 83820.
+1 CC to Mr.A.S. Kailasam, Advocate sr 84200.
+1 CC to Spl. Govt. Pleader(HR & CE) sr 84995.

W.P.No.2920 of 2011
and
M.P. No.1 of 2011

SSV(CO)
SP(07/02/2019)



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