

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.3789 of 2018

and

WMP.No.4627 of 2018

M.Jayaraman

Son of Maruthamuthupillai

... Petitioner

vs.

1. The Inspector
Hindu Religious and Charitable Endowments (HR & CE)
Paramathivelur Division
Paramathivelur Taluk, Namakkal District.
2. The Executive Officer
Arulmighu Angaalamman Temple
Hindu Religious and Charitable Endowments (HR & CE)
Paramathivelur Division
Paramathivelur Taluk, Namakkal District.
3. The Assistant Commissioner
Hindu Religious and Charitable Endowments (HR & CE)
Namakkal District.
4. The Joint Commissioner
Hindu Religious and Charitable Endowments (HR & CE)
Salem. ..Respondents

Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records pertaining to the impugned order dated 25.09.2017 vide Na.Ka.132/2017 passed by the 1st respondent and quash the same.

For Petitioner : Mr.T.Sellapandian

For Respondents : Mr.M.Maharaja

Special Government Pleader

O R D E R

Mr.M.Maharaja, learned Special Government Pleader takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner is aggrieved against the proceedings of the first respondent dated 25.09.2017, which is nothing but an enquiry report submitted by the first respondent to the respondents 3 and 4 in respect of certain allegations of mismanagement of the Temple.

3. Though this writ petition is filed challenging the said report, Mr.T.Sellapandian, learned counsel for the petitioner submitted that in view of the order passed by this Court in WP.No.2015 of 2018 dated 13.01.2018 filed by one Shanthi, the Executive Officer of the said Temple, the petitioner may also be given liberty to appear before the Joint Commissioner and give explanation to the charges levelled against the petitioner as well as the said Shanthi, the Executive Officer, since the charges are one and the same.

4. Mr.M.Maharaja, learned Special Government Pleader for the respondents fairly submitted that since this Court has already passed the said order in the said writ petition in respect of the other writ petitioner, the same order can be passed in this case also, so that the petitioner can also give explanation before the Joint Commissioner, who in turn can pass orders on merits and in accordance with law. He further submitted that in pursuant to the order passed by this Court, the said Shanthi, the Executive Officer has appeared before the Joint Commissioner and given her explanation.

5. For proper understanding, the said order passed by this Court in WP.No.2015 of 2018, reads as follows:

"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."

6. Considering the above stated facts and circumstances and without expressing any view on the merits of the claim made by the petitioner, this writ petition is disposed of, by granting liberty to the petitioner to give explanation to the charges levelled against him before the fourth respondent herein, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such explanation, the fourth respondent shall pass final orders on merits and in accordance with law, after giving due opportunity of personal hearing to the petitioner. It is open to the petitioner to place all the evidence before the fourth respondent at the time of enquiry. The final order shall be passed by the fourth respondent, within a period of four weeks from the date of receipt of explanation from the petitioner. If the charges are one and the same in both cases, it is open to the 4th respondent to club both matter together and pass final orders accordingly. In that event time limit fixed by this Court in both the matters for passing final order has to be construed as tentative. 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 him, as it is for the fourth respondent to consider and

decide the same on merits and in accordance with law, as stated supra. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

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Namakkal District.
4. The Joint Commissioner
Hindu Religious and Charitable Endowments (HR & CE)
Salem.

+1 cc to Mr.T.Sellapandian Advocate sr 13555
+1 cc to Govt Pleader sr 13310

W.P.No.3789 of 2018

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