

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.273 of 2019

A.Radhakrishnan

.. Petitioner

Vs.

1. The Secretary to Government,
Tourism Culture and Endowments Department,
Secretariat, Chennai 600 009.
2. The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhiyadigal Salai,
Nungambakkam,
Chennai 600 034
3. The Chief Auditing Officer,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhiyadigal Salai,
Nungambakkam,
Chennai 600 034
4. The Regional Inspection Cell Officer,
Collectorate Campus,
Salem 636 001.
5. The Commissioner of Police,
Salem.
6. The Joint Commissioner,
Hindu Religious and Charitable and Endowments
Department,
Arulmigu Kottai Mariamman Temple Campus,
Salem 636 001.
7. The Fit Person,
Arulmigu Kottai Mariamman Temple-cum-
Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Salem 636 001

8. Mr.Udayakumar,
Manager, Joint Commissioner Office,
Hindu Religious and Charitable Endowments Department,
Salem 636 001

9. The Executive Officer,
Arulmigu Kottai Mariamman Temple,
Salem 636 001

.. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to take appropriate action as against the erring officials of the respondents 6 to 9 by considering the petitioner's representation dated 05.12.2018.

For Petitioner : Mr.R.Marudhachalamurthy
For Respondents : Mr.M.Maharaja
1 to 3 and 6 Special Government Pleader
For Respondents 4 and 5: Mr.V.Shanmugasundar
Special Government Pleader

ORDER

By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner has come up with this Writ Petition seeking a direction to the second respondent to take appropriate action as against the erring officials of the respondents 6 to 9 by considering his representation dated 05.12.2018.

3. According to the learned counsel for the petitioner, the ninth respondent-Temple is under the control and administration of the second respondent-H.R and C.E. Department. It is stated that there is a marriage hall belonging to the ninth respondent-Temple situated within the campus of the said temple. The said Marriage Hall was constructed to fulfill the needs of the devotees of the said temple. But, the officials of the respondents 6 to 9 joined together and utilised the ninth respondent-Temple's money for the purpose of forming a cabin to the eighth respondent in the premises of the said marriage hall. Without following the procedure prescribed under the Tamil Nadu H.R and C.E Act, the respondents 6 to 9 have utilised the ninth respondent-Temple's funds illegally for their own

benefits. Hence, the petitioner gave a representation on 05.12.2018 to the respondents 1 and 2 and other authorities regarding the irregularity, illegality and mismanagement of the officials of the respondents 6 to 9 and to take appropriate action. Since the said representation was not considered, the petitioner has filed this Writ Petition for the relief stated supra.

4. Heard Mr.M.Maharaja, learned Special Government Pleader (H.R & C.E) on behalf of the respondents 1 to 3 and 6 and Mr.V.Shanmugasundar, learned Special Government Pleader on behalf of the respondents 4 and 5.

5. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the representation, directs the second respondent to consider the petitioner's representation dated 05.12.2018 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner, respondents 6 to 9 herein and the persons interested in this regard and also affording them an opportunity of personal hearing, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Srn

To

1. The Secretary to Government,
Tourism Culture and Endowments Department,
Secretariat, Chennai 600 009.
2. The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhiyadigal Salai,
Nungambakkam,
Chennai 600 034

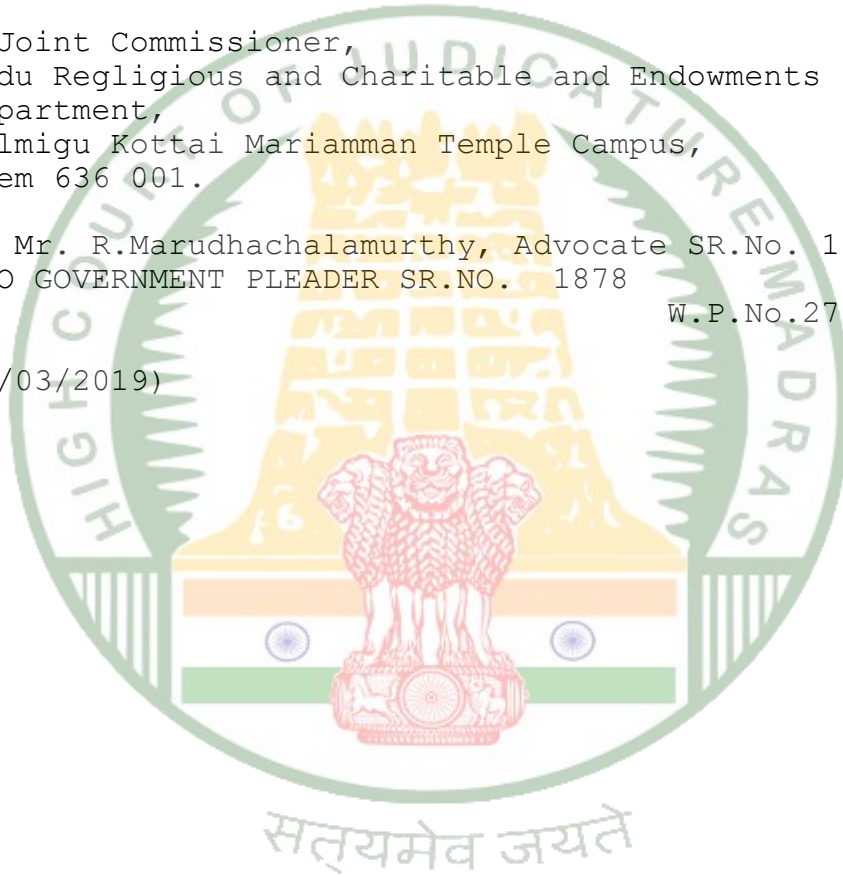
3. The Chief Auditing Officer,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhiyadigal Salai,
Nungambakkam,
Chennai 600 034
4. The Regional Inspection Cell Officer,
Collectorate Campus,
Salem 636 001.
5. The Commissioner of Police,
Salem.
6. The Joint Commissioner,
Hindu Religious and Charitable and Endowments
Department,
Arulmigu Kottai Mariamman Temple Campus,
Salem 636 001.

+1cc to Mr. R.Marudhachalamurthy, Advocate SR.No. 1933

+1 CC TO GOVERNMENT PLEADER SR.NO. 1878

W.P.No.273 of 2019

A.SK(04/03/2019)



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