

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P. No.1546 of 2019
and W.M.P.No.1716 of 2019

M.M.Ramaswamy

.. Petitioner

Vs.

1. The Principal Secretary to Government (FAC)
Tourism, Culture and Religious Endowments Department,
Secretariat, Chennai 600 009.
2. The Commissioner,
Hindu Religious Charitable Endowments Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai 600 034.
3. The Joint Commissioner,
Hindu Religious Charitable Endowments Department,
Dr.Balasundaram Road,
Coimbatore 641 018.
4. Nandakumar.
5. Mahendran

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 to initiate appropriate action against the respondents 4 and 5 for their misappropriation of funds of Arulmighu Aranganathaswamy Temple situated at Karamadai, Mettupalayam, Mettupalayam Taluk, Coimbatore District, during the consecration of temple in the year 2015 based on the representation dated 27.12.2018 of the petitioner.

For Petitioner : Mr.C.D.Sugumar

For Respondents 1 to 3: Mr.M.Maharaja
Special Government Pleader
(H.R & C.E)

O R D E R

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

2. The prayer sought for in this Writ Petition is for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to initiate appropriate action against the respondents 4 and 5, based on his representation dated 27.12.2018, regarding misappropriation of funds at the time of consecration of Arulmighu Aranganathaswamy Temple situated at Karamadai, Mettupalayam, Mettupalayam Taluk, Coimbatore District, in the year 2015.

3. According to the learned counsel for the petitioner, the petitioner has submitted a representation dated 19.06.2015 to the respondents 1 to 3 with regard to the financial irregularities committed by the respondents 4 and 5 and sought for appropriate action against them for their illegal activities. The said representation was taken on file by the second respondent and the second respondent directed the third respondent to file a report after conducting an enquiry. Accordingly, the third respondent has issued summons to the petitioner to appear for an enquiry on 29.07.2015, vide his proceedings in Na.Ka.No.7498/2015/A3 dated 21.07.2015. The petitioner had also participated in the said enquiry. Since there was no communication regarding the conclusion of the enquiry by the third respondent, the petitioner sent a notice dated 26.07.2016 to the respondents through his Advocate, for which also, there was no reply from the authorities concerned till date. Having waited for three years, the petitioner made another representation dated 27.12.2018 to the respondents 1 to 3 to take appropriate action against the respondents 4 and 5 with regard to the irregularities committed by them at the time of the Temple consecration. But, till date, there was no response from the respondents 1 to 3. Hence, 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.

5. This Court perused the records and found that, though the enquiry proceedings was initiated as early as in the year 2015 and summons were issued to the petitioner and others as well, it is not known why the enquiry has not been completed till now.

6. 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 case, directs the third respondent to conduct an enquiry and pass appropriate

orders, on merits and in accordance with law, after issuing notice to the petitioner, respondents 5 and 6 and the persons interested in this regard and also affording them an opportunity of personal hearing, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Government (FAC)
Tourism, Culture and Religious Endowments Department,
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Chennai 600 009.
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3. The Joint Commissioner,
Hindu Religious Charitable Endowments Department,
Dr.Balasundaram Road,
Coimbatore 641 018.

+1cc to Mr.CD.Sugumar, Advocate SR.No.7059

+2cc to Government Pleader SR.No.8451,7243

SSV(CO)
GMY(27/02/2019)

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