

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.20226 of 2019

B.Jagannath

... Petitioner

Vs

1 The Commissioner,
Hindu Religious and Charitable Endowment,
Nungambakkam,
Chennai -34.

2 The Joint Commissioner
Hindu Religious and Charitable Endowment Department,
Salem District-636 001.

3 The Regional Audit Officer
Hindu Religious and Charitable Endowment Department
Salem District 636 001.

4 The Chief Audit Officer
Hindu Religious and Charitable Endowment Department,
Nungambakkam,
Chennai -34.

5 Inspector
Hindu Religious and Charitable Endowment Department,
Dharmapuri Division,
Krishnagiri District 636701.

6 Inspector
Hindu Religious and Charitable Endowment Department,
Paramathivelur Division
Namakkal District 637001.

7 Inspector
Hindu Religious and Charitable Endowment Department
Namakkal District 637001.

8 Inspector
Hindu Religious and Charitable Endowment Department,
Rasipuram Division,
Namakkal District 637001.

9 Inspector
Hindu Religious and Charitable Endowment Department,
Salem Division,
Salem District - 637001.

10 Inspector
Hindu Religious and Charitable Endowment Department,
Athur Division,
Salem District 637001.

11 Inspector
Hindu Religious and Charitable Endowment Department,
Thuruchengode Division,
Namakkal District 637211.

12 Inspector
Hindu Religious and Charitable Endowment Department,
Sankagiri Division,
Salem District 637001.

13 Inspector
Hindu Religious and Charitable Endowment Department,
Krishnagiri Division,
Krishnagiri District 635001.

14 Inspector
Hindu Religious and Charitable Endowment Department,
Hosur Division,
Salem District - 635 109.

15 Inspector
Hindu Religious and Charitable Endowment Department
Mettur Division,
Salem District - 636401.

16 Inspector
Hindu Religious and Charitable Endowment Department,
Palacode Division,
Salem District - 636401.

17 Inspector
Hindu Religious and Charitable Endowment Department,
Omalur Division,
Salem District 636401.

18 Inspector
Hindu Religious and Charitable Endowment Department,
Arur Division,
Dharmapuri District 636701.

19 Inspector
Hindu Religious and Charitable Endowment Department,
Thenkanikottai Division,
Salem District 636401.

20 Assistant Commissioner
Hindu Religious and Charitable Endowment Department,
Namakkal,
Namakkal District 637001.

21 Assistant Commissioner
Hindu Religious and Charitable Endowment Department,
Salem,
Salem District 636401

22 Assistant Commissioner
Hindu Religious and Charitable Endowment Department,
Dharmapuri District 636701

23 The Additional Chief Secretary
to the Government of Tamil Nadu
Tourism Culture and Religious Endowment Department,
Fort St.George, Secretariat,
Chennai 600 009.

24 The Special Officer
Inspector General of Police (IDol Wing- IG)
Chennai.

25 The Principal Secretary and Chief Secretary
to the Government of Tamil Nadu,
Fort St.George,
Secretariat,
Chennai - 600 009.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, issuance of a writ of mandamus, to direct the respondents 3 and 4 to perform Thirupani Audit Special audit, Land Audit, Jewels Audit, Idols Audit, Accounts Audit (including Annual Verification of Register of temples vide Section 29-31 of the HR and CE Act) of all the temples both listed and Non - listed which are coming under the direct and exclusive administrative control of the Inspectors (Respondents 5-19) and Assistant Commissioners (Respondens 20-22) in Salem Zone of HR and CE Department from Fasili Year 2008 onwards till

date and submit the Individual Audit reports as mentioned above before this Hon'ble Court within a reasonable time frame as fixed by this Hon'ble Court and take necessary further action including penal action if necessary based on the said Audit Objections in the Audit Reports submitted before this Hon'ble Court against the guilty officials of the HR and CE Department more specifically the Inspectors and also Assistant Commissioners in Office from Fasli Year 2008 till date in accordance with law - also based on the guidelines issued by the Hon'ble Supreme Court made in Mrinalini Padhi Puri Jagannath Temple case vide W.P.(Civil) 649 of 2018 by order dated 05.07.2018.

For Petitioner : Mr.B.Jagannath
Party-in-person

For Respondents: Mr.Maharaja (for R1 to R23)
Special Govt. Pleader (HR&CE)
Mr.E.Manoharan (for R25)
Additional Government Pleader

O R D E R

(Order of this Court was made by S.Manikumar, J.)

Mr.B.Jagannath, a practicing Advocate, has sought for a writ of mandamus, to direct respondents 3 and 4 to perform Thirupani Audit Special audit, Land Audit, Jewels Audit, Idols Audit, Accounts Audit (including Annual Verification of Register of temples vide Section 29-31 of the HR and CE Act) of all the temples both listed and Non - listed which are coming under the direct and exclusive administrative control of the Inspectors (Respondents 5-19) and Assistant Commissioners (Respondents 20-22) in Salem Zone of HR and CE Department from Fasili Year 2008 onwards till date and submit the Individual Audit reports before this Court within a reasonable time frame to be this Hon'ble Court and take necessary further action including penal action if necessary based on the said Audit Objections in the Audit Reports submitted before this Court against the guilty officials of the HR and CE Department more specifically the Inspectors and also Assistant Commissioners in Office from Fasli Year 2006 till date in accordance with law - also based on the guidelines issued by the Hon'ble Supreme Court made in Mrinalini Padhi Puri Jagannath Temple case vide W.P.(Civil) 649 of 2018 by order dated 05.07.2018.

2. On the basis of the averments and material on record, Mr.B.Jagannath, petitioner-in-person, made submissions and also relying on the Judgment of the Hon'ble Supreme Court in Mrinalini Padhi Vs. Union of India, reported in (2018) 7 SCC

785, sought for issuance of notice. However, when attention of the petitioner was pointed out to the replies, given under the Right to Information Act, 2005 that if the petitioner is desirous of getting information mentioning about any particular temple and if the petitioner submits an application to that effect, it would be possible to provide information and when the petitioner was also informed that the decision made in Mrinalini Padhi Vs. Union of India, reported in (2018) 7 SCC 785, relied on by him, cannot be taken as a precedent for the matter that it is restricted only to Jagannath Temple at Puri, Orissa, Mr.B.Jagannath, petitioner-in-person, seeks permission to withdraw the writ petition. He has also made an endorsement to that effect.

3. Placing on record the above, writ petition is dismissed as withdrawn. It is made clear that no leave is granted to file a fresh writ petition for the same relief on the same cause. No Costs.

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Sd/-

Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar

To

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Fort St.George, Secretariat,
Chennai - 600 009.

+1cc to Mr.B.Jagannath, Advocate, SR.No.60414
+1cc to the Govt.Pleader, Vide Sr.No.61519

W.P.No.20226 of 2019

Kak (22/08/2019)