

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.13362 and 13398 of 2019

and

W.M.P.Nos.13476, 13479, 13500 & 13505 of 2019

Sembuthukula Arakattalai ...Petitioner in W.P.No.13362/2019

K.Nallaya Gounder ...Petitioner in W.P.No.13398/2019

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowments
Board,
Uthamar Gandhi Road,
Nungmbakkam,
Chennai, 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Salem - 1.
3. The Thakkar/ Executive Officer,
Arulmighu Azhiya Ilangai Amman Temple,
Koonavelampatti Pudur,
Rasipuram Taluk,
Namakkal District. ...Respondents

W.P.No.13363/2019 is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records of the 1st respondent herein in Na.Ka.No.61620/2018-2/L5 dated 15.04.2019 and quash the same.

W.P.No.13398/2019 is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari filed Mandamus to call for the records of the 1st respondent herein in Na.Ka.No.61620/2018-2/L5 dated 15.04.2019 and quash the same and direct the respondents herein to implement the order passed by the Deputy Commissioner, HR & CE, Coimbatore in O.A.No.36/84/B1 dated 07.09.1987.

For Petitioner
in W.P.No.13362/2019 : Mrs.V.Hema Sampath
Senior counsel
for Ms.A.Ajimath Begum

For Petitioner
in W.P.No.13398/2019 : Mrs.V.Karthikeyan

For Respondents
in both the W.Ps. : Mr.M.Maharaja,
Special Government Pleader

COMMON ORDER

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

2. In both these writ petitions, the challenge made is against the notice issued under Section 45(1) of the HR & CE Act, calling upon the respective petitioners to give explanation as to why a Special Officer, cannot be appointed to the subject matter Temple.

3. Heard the learned senior counsel appearing for the petitioners and the learned Special Government Pleader appearing for the respondents.

4. Though the learned senior counsel for the petitioners contended that there is no necessity for appointing a Special Officer, especially, when a fit person was already appointed, this Court is not expressing any view on the merits of those contentions, only on the reason that what is under challenge is only the notice calling upon the petitioners to give explanation as to why a Special Officer cannot be appointed. Needles to state that it is for the petitioners to make their objections as against the proposed appointment of the Special Officer and once such objection is received, the authority who issued the impugned notice shall consider such objections and pass a speaking order either to appoint the Special Officer or not. Therefore, at this stage, this Court cannot entertain the contentions raised in the Writ Petitions as it is for the petitioners to raise those contentions before the respondent who issued the impugned notice.

5. It is submitted by the learned senior counsel for the petitioners that already explanation was given to the respondent who issued the impugned notice and therefore, the same may be directed to be considered. Learned senior counsel for the petitioners further submitted that the respective petitioners may also be permitted to give further explanation to

the first respondent.

6. Considering the above stated facts and circumstances, these writ petitions are disposed of with the following directions.

a) The petitioner in each case is permitted to furnish further explanation to the first respondent within a period of two weeks from the date of receipt of a copy of this order.

b) On receipt of such explanation and after hearing the petitioners and other interested parties, the first respondent shall pass appropriate orders on merits and in accordance with law, as this Court is not expressing any view on the merits of the claim made by the petitioners.

c) Such order shall be passed by the first respondent within a period of four weeks from the date of receipt of the explanations.

No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Commissioner,
Hindu Religious and Charitable Endowments
Board, Uthamar Gandhi Road,
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Chennai, 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Salem - 1.
3. The Thakkar/ Executive Officer,
Arulmighu Azhiya Ilangai Amman Temple,
Koonavelampatti Pudur,
Rasipuram Taluk,
Namakkal District.

+1cc to Government Pleader sr.43048

W.P.No.13362 and 13398 of 2019

nr 25/06/2019