

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 19.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.27862 of 2019

T.Sathiskumar

... Petitioner

Vs.

1. The Commissioner
Hindu Religious and Charitable Endowment Department
Nungambakkam, Chennai 600 034
2. The Joint Commissioner
Hindu Religious and Charitable Endowment Department
Salem 636 001
3. The Sankar, Executive Officer, presently
SriAtharur Amman Temple, Atharur Village
Hindu Religious and Charitable Endowment Department
Rasipuram Taluk, Namakkal District 636 301
4. The Regional Audit Officer
Hindu Religious and Charitable Endowment Department
Salem 636 001
5. The Chief Audit Officer
Hindu Religious and Charitable Endowment Department
Chennai 600 034
6. Assistant Commissioner
Hindu Religious and Charitable Endowment Department
Namakkal 637 001
7. The Director, Directorate of Vigilance and Anti Corruption
DVAC, Head Quarters, No.293, MKN Road, Alandur
Chennai 600 016
8. The Superintendent of Police, Directorate of Vigilance
and Anti Corruption, DVAC, Western Range,
293, MKN Road, Alandur, Chennai 600 016
9. The Deputy Superintendent of Police
Directorate of Vigilance and Anti Corruption (DVAC)
No.7/88, Nallipalayam, Upstairs of UCO Bank
Thiruchengode Main Road, Namakkal -637 003

10. The Executive Officer, Sri Agni Mariamman Temple
Hindu Religious and Charitable Endowment Department
Erumapatti Village, Senthamangalam Taluk
Namakkal District 637013

... Respondents

Prayer:-

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the Commissioner of Hindu Religious and Charitable Endowment, the 1st respondent herein to initiate departmental proceedings against Respondent 3 and 6 herein and if found guilty take departmental action against the guilty respondents and consequently also to dismiss the 3rd respondent Executive Officer herein as per Section 45(4) of the Hindu Religious and Charitable Endowment Act and also based on the guidelines issued by the Hon'ble Supreme Court made in W.P. (SLP CIVIL) 649 of 2018 vide order dated 05.07.2018.

For Petitioner : Mr.B.Jagannath

For Respondents : Mr.M.Maharaj, Spl. G.P.
For HR&CE

O R D E R

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

2.The case of the petitioner is that he made a corruption allegation against one Sankar, who is the 3rd respondent, Executive Officer while dealing with the 10th respondent temple function. Hence, the petitioner sent a representation to the DVAC on 12.04.2019 with acknowledgment and the same was received by the DVAC on 15.04.2019 but no action was taken by the respondent department despite the request made to the Directorate of Vigilance and Anti Corruption and 1st and 2nd respondent to initiate disciplinary action against the 3rd respondent. Hence, the petitioner is before this Court.

3.The learned counsel for the petitioner would further submit that it would suffice if a direction is issued to the respondents to conduct enquiry on the representation of the petitioner dated 12.04.2019 and pass appropriate orders

4.The learned Special Government Pleader appearing for H.R.&C.E. would submit that the representation sent by the petitioner was received by DVAC on 15.04.2019 and the same was forwarded to H.R.&C.E. on 30.04.2019. Though the complaint was forwarded to H.R.&C.E., however, the petitioner did not

cooperate with the enquiry. The H.R.&C.E. is ready to pass orders on the representation, if the relevant materials are produced as alleged by the petitioner with regard to the administration of the 10th respondent temple within the time stipulated by this Court.

5. In the light of the above submissions made by the Special Government Pleader appearing for H.R.&C.E., this Court, without going into the merits of the case, is inclined to direct the authorities concerned to consider the petitioner's representation dated 12.04.2019 received by the DVAC on 15.04.2019 and forwarded to H.R.&C.E. on 30.04.2019 within a period of eight weeks from the date of receipt of copy of this order.

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

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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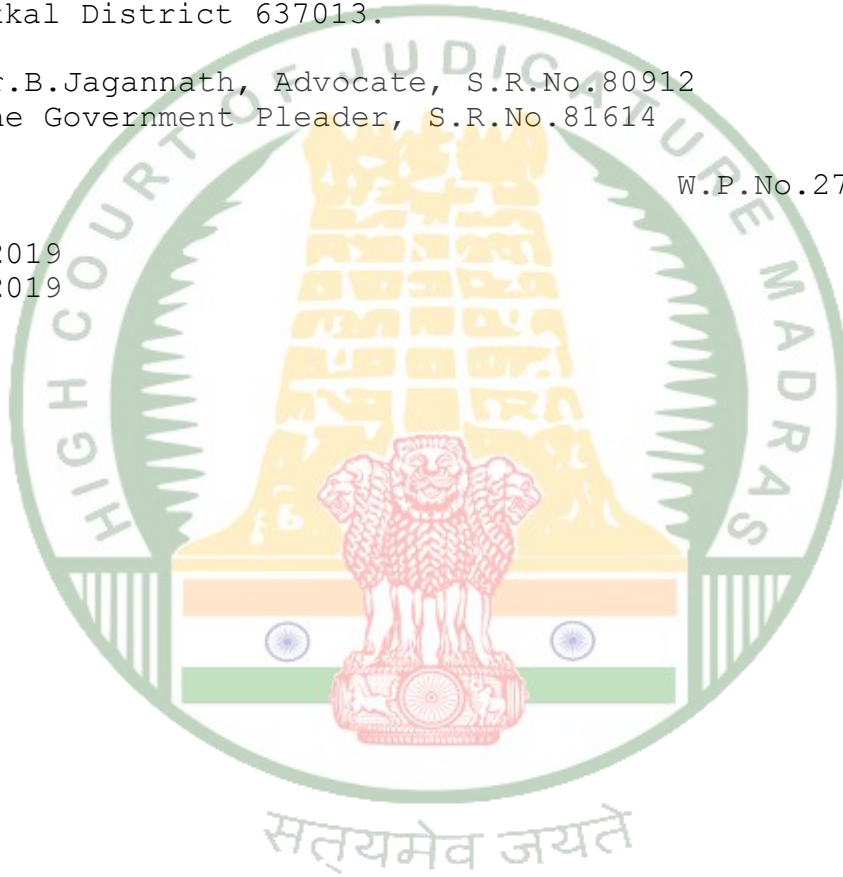
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9. The Executive Officer, Sri Agni Mariamman Temple Hindu Religious and Charitable Endowment Department Erumapatti Village, Senthamangalam Tk, Namakkal District 637013.

+1cc to Mr.B.Jagannath, Advocate, S.R.No.80912
+1cc to the Government Pleader, S.R.No.81614

W.P.No.27862 of 2019

NR(CO)
CS/30/10/2019
CS/19/11/2019



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