



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.3368 of 2019
and W.M.P.(MD)No.2652 of 2019

G.Selvam

... Petitioner

Vs.

1. The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Sivagangai,
Sivagangai District.
2. Arulmighu Thirunokkia Alagiyanatha Swamy Temple,
Rep. by its Devasthanam Manager,
Thiruppachethi Village,
Thiruppuvanam Taluk,
Sivagangai District.
3. The Hereditary Trustee,
(Arulmighu Thirunokkia Alagiyanatha Swamy Temple),
Sivagangai Samasthanam Devasthanam,
Sivagangai.

4. Bhavaneshwara Gurukkal

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing respondents 1 to 3 to conduct the proper enquiry as against the fourth respondent regarding the allegations made against the fourth respondent in the statement dated 08.11.2018 made by the petitioner and other inhabitants of the locality.

For Petitioner

: Mr.R.Aravindan

For R-1 & R-2

: Mr.R.Sethuraman,
Special Government Pleader.

For R-3

: Mr.Mathavan

For R-4

: Mr.R.Saravanan

**O R D E R**

Heard the learned counsel on either side.

WEB COPY

2. The Writ petitioner is a devotee of the second respondent temple. The fourth respondent was acting as priest of the said temple, following the demise of his father Sundaresa Pattar. The conduct of the fourth respondent came under a severe cloud. Therefore, the third respondent issued proceedings dated 04.11.2015 for discontinuing the services of the fourth respondent.

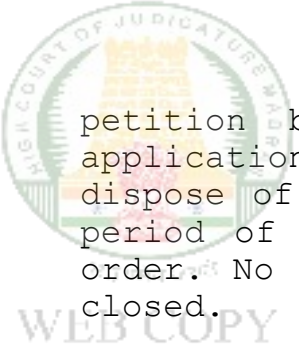
3. While so, alleging that steps are being taken to re-engage the fourth respondent, this Writ petition came to be filed. The petitioner wants this Court to direct respondents 1 to 3 to conduct an enquiry against the fourth respondent.

4. When the matter was taken up for hearing, learned counsel appearing for respondents 1 to 3 pointed out that the proceedings dated 04.11.2015 have not damned the fourth respondent for eternity. It was set out in the said proceedings that in the event of the fourth respondent redeeming himself, his reinstatement as temple priest should be considered.

5. The learned counsel appearing for respondents 1 to 3 brought to the notice of this Court that the Joint Commissioner, Sivagangai, had issued proceedings dated 08.01.2019 in favour of the fourth respondent. The first respondent has held held that keeping the fourth respondent under suspension from 04.11.2015 itself can be deemed as sufficient punishment. Taking such an indulgent view, the first respondent directed reinstatement of the fourth respondent. It was made clear that if the fourth respondent indulged in misconduct in future, severe action should be taken against him. Pursuant to the aforesaid order dated 08.01.2019, the third respondent herein had also issued proceedings dated 31.01.2019 in favour of the fourth respondent directing his reinstatement.

6. These proceedings have been enclosed in the typed set of papers. They have been served on the petitioner's counsel also. I am of the view that in the absence of a formal challenge to the aforesaid proceedings dated 08.01.2019 and 31.01.2019, the present Writ petition is not maintainable. In any event, the proceedings passed by the first respondent are amenable to challenge before the Commissioner, Hindu Religious and Charitable Endowments Department, Chennai. This Court specifically permits the petitioner to file a Revision/appeal before the Commissioner, Hindu Religious and Charitable Endowments Department, Chennai, questioning the order dated 08.01.2019 passed by the first respondent and the order dated 31.01.2019 passed by the third respondent.

7. With this liberty to the Writ petitioner, the Writ petition stands closed. The petitioner is permitted to submit a comprehensive



petition before the first respondent. As and when such an application is filed by the petitioner, the first respondent shall dispose of the same on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar

To

1. The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Sivagangai, Sivagangai District.
 2. Arulmighu Thirunokkia Alagyanatha Swamy Temple,
Rep. by its Devasthanam Manager,
Thiruppachethi Village, Thiruppuvanam Taluk,
Sivagangai District.
 3. The Hereditary Trustee,
(Arulmighu Thirunokkia Alagiyanatha Swamy Temple),
Sivagangai Samasthanam Devasthanam,
Sivagangai.
- +1CC to Mr.S.MADHAVAN , Advocate SR.No. 51308.
+1CC to Mr.R.SARAVANAN , Advocate SR.No. 51268.
+1CC to The Special Government Pleader SR.No. 51352.

W.P.(MD)No.3368 of 2019
and W.M.P.(MD)No.2652 of 2019