

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2020

C O R A M

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.8378 of 2014

S.Gnanasekar

...Petitioner

Vs.

1.The Joint Commissioner,
Office of the Joint Commissioner,
H.R.&C.E.Department,
Chennai - 600 034.

2.Arulmigu Abinava Dharma Sivachariar Matom,
No.38, Katchaleeswarar Agraharam,
Chennai - 600 001.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the first respondent to pass orders on the statement made by the petitioner dated 12.08.2011 and the reminder representation dated 30.05.2013 on merits and within a time to be stipulated by this Court.

For Petitioner : Mr.I.Chandrakumar

For Respondent 1 : Mr.R.Venkatesan,
Government Advocate (HR & CE)

For Respondent 2 : Mr. Shanmugam

ORDER

This writ petition has been filed for a mandamus to direct the first respondent to pass orders on the statement made by the petitioner dated 12.08.2011 and the reminder representation dated 30.05.2013 on merits within a time frame to be fixed by this Court.

2. It is the case of the petitioner that certain irregularities were committed by the management of the second respondent temple. It is the case of the petitioner, that he gave a representation to the first respondent calling upon them to take action in respect of the said irregularities against the second respondent temple. According to him, the first respondent

called for an enquiry on 02.08.2011 and recorded the statement of the trustees of the second respondent temple on 06.08.2011 with regard to the allegations levelled by the petitioner against them and also recorded the statement of the petitioner on 12.08.2011. It is the case of the petitioner that since no final orders have been passed, the petitioner sent a reminder dated 30.05.2013 to the first respondent. It also the case of the petitioner that despite recording the statement of the petitioner as well as the trustees of the second respondent and the reminder dated 30.05.2013, till date, no final orders have been passed by the first respondent with regard to the irregularities committed by the second respondent temple. In such circumstances, this writ petition has been filed.

3. Heard Mr.I.Chandrakumar, learned counsel for the petitioner and Mr.R.Venkatesan, learned Government Advocate for the first respondent. Despite service of notice on the second respondent and their name having been printed in the causelist today, there is no representation on their behalf.

4. Admittedly, first respondent conducted an enquiry on 02.08.2011 and thereafter recorded the statement of the trustees of the second respondent temple on 06.08.2011 with regard to the allegations levelled by the petitioner against them and also recorded the statement of the petitioner on 12.08.2011. The first respondent has also taken the statement of the petitioner dated 12.08.2011 on file, but till date, no final orders have been passed, despite the reminder representation dated 30.05.2013 of the petitioner. In such circumstance, this Court is inclined to grant an order directing the first respondent to pass final orders in accordance with law after giving sufficient opportunity to the petitioner as well as the other trustees of the second respondent temple in respect of the statement of the petitioner dated 12.08.2011 and the reminder representation dated 30.05.2013 made by the petitioner with regard to the irregularities committed by the trustees of the second respondent temple within a period of twelve weeks from the date of receipt of a copy of this Order.

5. With the aforesaid direction, this writ petition is disposed of. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Joint Commissioner,
Office of the Joint Commissioner,
H.R.&C.E.Department,
Chennai - 600 034.

+1 CC to Mr.L. Chandra Kumar, Advocate sr 6742.

W.P.No.8378 of 2014

VBA (CO)
SP (28/02/2020)



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