

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2020

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.NO.16214 OF 2020

AND

W.M.P.NO.20245 OF 2020

C.Aruljothi

... Petitioner

-vs-

1. The Joint Commissioner,
Hindu Religious & Charitable Endowment Department,
Dr. Balasundaram Salai, Coimbatore - 641 018.
2. The Assistant Commissioner (Additional Charge),
Hindu Religious & Charitable Endowment Department,
1st Floor, Ex-Serviceman Building,
Gandhiji Road, Erode - 4.
3. The Fit Person,
A/m. Thoppur Maramman Temple,
Office at, The Executive Officer,
A/m. Kondathu Kaliyamman Temple,
Pariyur, Gobi Taluk,
Erode District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records pertaining to the proceedings of the Second Respondent dated 25.09.2020 in Nada.Na.Ka.3428/2020/A3 and quash the same.

For Petitioner : Mrs.V.S.Usharani

For Respondents: Mr.R.Venkatesh,
Government Advocate (for R1 & R2)

O R D E R
(through video conference)

Heard Mrs.V.S.Usharani, Learned Counsel for the Petitioner and Mr.R.Venkatesh, Learned Government Advocate who takes notice for the First and Second Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. Having regard to the nature of order proposed to be passed in the matter which would not cause any prejudice to the Third Respondent, notice to him is dispensed with.

3. The grievance sought to be ventilated by the Petitioner in the Writ Petition is that the impugned order entailing adverse civil consequence has been passed without affording opportunity of personal hearing to the Petitioner in the matter.

4. A bare perusal of the impugned order reveals that though the Petitioner has submitted his explanation dated 11.09.2020 to the show cause notice dated 25.08.2020 issued by the Second Respondent, the same had not been accepted. In that event, it was incumbent upon the Second Respondent to have afforded an opportunity of personal hearing to the Petitioner to explain his position in consonance with the principles of natural justice before passing the impugned order. Inasmuch as that required exercise had not been carried out in this case, the vitiated impugned order is quashed and the matter is remitted for fresh decision to the Second Respondent.

5. In order to expedite the proceedings, Learned Counsel appearing for the Petitioner as well as the Learned Government Advocate appearing for the Respondents, on instructions from the respective parties, agree for conducting the enquiry at 10.30 a.m. on 02.12.2020 before the Second Respondent to provide opportunity of personal hearing to the Petitioner and the said submissions made are placed on record.

6. The Second Respondent, after affording full opportunity of personal hearing to the Petitioner and all other persons concerned following the prescribed procedure in consonance with the principles of natural justice, shall deal with each of the contentions raised by them and pass reasoned orders on merits and in accordance with law, and communicate the decision taken to them under written acknowledgment. Though obvious, it is made clear that the Second Respondent shall not be inhibited or influenced by the impugned order, which stands set aside.

The Writ Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vjt/dm

To

1. The Joint Commissioner,
Hindu Religious & Charitable Endowment Department,
Dr. Balasundaram Salai,
Coimbatore - 641 018.
2. The Assistant Commissioner (Additional Charge),
Hindu Religious & Charitable Endowment Department,
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A/m. Thoppur Maramman Temple,
Office at, The Executive Officer,
A/m. Kondathu Kaliyamman Temple,
Pariyur, Gobi Taluk, Erode District.

+lcc to Mrs.V.S.Usharani, Advocate, S.R.No.37140

+lcc to the Special Government Pleader, S.R.No.37633

W.P.No.16214 of 2020

LN(CO)
CS/27/11/2020



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