



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2020

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 7552 of 2020 and

W.M.P. (MD) No. 7044 of 2020

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A.Ravichandran

... Petitioner

Vs.

1. The Principal Secretary/Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai - 34.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Sivagangai.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Paramakudi,
Ramanathapuram District.
4. M.Venkatesan Chettiar,
The Hereditary Trustee,
Arulmigu Muthumariyamman Thirukoil,
Thayamangalam,
Ilayangudi Taluk,
Sivagangai District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to remove the fourth respondent from the post of Hereditary Trustee of Thayamangalam Arulmigu Muthumariamman Temple for the misappropriation committed by him and further appoint an Executive Officer to look after the temple and thereby secure the temple and temple properties.

For Petitioner : Mr.V.Kannan

For R-1 to R-3 : Mr.V.R.Shanmuganathan,
Special Government Pleader,

For R-4 : Mr.T.S.Mohammed Mohideen

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for respondents 1 to 3 and the learned counsel appearing for the fourth respondent.



2. The writ petitioner had given a complaint dated 15.06.2020 against the fourth respondent herein and wants this Court to direct respondents 1 to 3 to take action on the said complaint.

3. The complaint pertains to the manner in which the fourth respondent is discharging his duty as a trustee of Arumighu Thayamangalam Muthumariyamman temple, Sivagangai District. According to the petitioner, the fourth respondent is indulging in the acts of misappropriation and he is acting against the interests of the temple.

4. The petitioner fairly informs this Court that he was employed as security and that a criminal case was registered against him at the instance of the temple management and that later, disciplinary action was taken against him and that he was dismissed by the fourth respondent on 22.06.2020. It appears that the petitioner has since filed an appeal challenging the order of dismissal.

5. The learned counsel appearing for the petitioner states that the petitioner has been unfairly victimized because he tried to act as a whistleblower.

6. I cannot lose sight of the fact that the petitioner was an employee in the fourth respondent and that the fourth respondent is the hereditary trustee of the temple. The fourth respondent in other words was the disciplinary authority of the petitioner. The fourth respondent had dismissed the petitioner from service.

7. I am not in a position to direct the Hindu Religious and Charitable Endowments authorities to act on the petitioner's complaint against the fourth respondent. If the cause has been espoused by a third party, then this Court can possibly consider the complaint and direct the authorities to look into the same. I am not inclined to issue direction as sought for by the petitioner because the petitioner was admittedly an employee who has since been dismissed by the fourth respondent. Therefore, the writ petition stands dismissed.

8. However I make it clear that I have not gone into the merits of the matter. It is of course open to the Hindu Religious and Charitable Endowments authorities to take action on the petitioner's complaint and take an independent action. Merely because I have declined to exercise my writ jurisdiction, it does not mean that I have given a certificate in favour of the fourth respondent or I find the petitioner's complaint to be false. This is a matter that falls exclusively within the domain of the authorities. It is for the Hindu Religious and Charitable Endowments authorities to take a call in the matter.



9. With this observation, the writ petition stands dismissed.
No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

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Sub Assistant Registrar (CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

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