



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.10468 of 2020

R.Varadarajan

... Petitioner

Vs.

1.The Commissioner,
HR & CE Department,
Chennai.

2.The Joint Commissioner,
HR & CE Department,
Trichy District.

3.The Assistant Commissioner,
HR & CE Department,
Trichy District.

4.R.V.S.Veeramani

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to take appropriate actions against the fourth respondent in pursuant to the proceedings of the second respondent dated 04.09.2019 and also by considering the representation of the petitioner dated 26.05.2020.

For Petitioner	:	Mr.G.Prabhu Rajadurai
For R1 to R3	:	Mr.R.Murugaraj Government Advocate
For R4	:	Mr.K.Govindarajan

O R D E R

Heard the learned counsel on either side.

2.The issue on hand pertains to the affairs of Arulmigu Mariamman Temple, Manapparai. The fourth respondent is the present hereditary trustee of the temple. The petitioner has made some serious allegations against the fourth respondent in respect of his conduct as the trustee of the temple. The petitioner enclosed copies of the complaint in the typed set of papers. It is stated that based on the complaint, the Assistant Commissioner, HR & CE Department, Trichy, called upon the petitioner to appear before him on 08.07.2019 and his statement was also recorded. The petitioner wants the authorities to take appropriate action against the fourth respondent by considering his complaint.



3.The prayer made in the writ petition is opposed by the fourth respondent. The fourth respondent has also filed a counter affidavit.

4.It is seen that the petitioner herein is none other than the paternal uncle of the fourth respondent. The fourth respondent's father Thiru.R.V.S.Veerachamy and the petitioner are brothers. The fourth respondent's father R.V.S.Veerachamy was the hereditary trustee of the temple, because the petitioner appears to have waived his right. The reason for giving such consent appears to be that the petitioner was then working as a school teacher. After his retirement from service, the petitioner asserted his claim over the trusteeship. Even as the proceedings were going on, Thiru.R.V.S.Veerachamy passed away in the year 2011 and the fourth respondent stepped into his shoes. It appears that the dispute between the petitioner and the fourth respondent is also the subject matter of another writ proceedings.

5.The learned counsel for the fourth respondent states that in this background, the petitioner has been making one allegation after another against the fourth respondent. I wanted to know under which provision of law, the complaints have been given by the petitioner herein. Since the writ petition has been filed in the nature of Writ of Mandamus, the petitioner has to make out a legal right on his part or a public duty on the part of the authority.

6.The petitioner's counsel draws my attention to Section 54 of Tamil Nadu HR & CE Act which confers the controlling authorities to take action even against the hereditary trustee.

7.Though the petitioner's contention does have some substance, since the petitioner and the fourth respondent are at logger-heads and locked in litigation, I am of the view that it is for the authority concerned to proceed further in the matter. The question of issuing Mandamus does not arise. It is for the authority to take cognizance of the petitioner's complaint and take appropriate action, if they deem fit. This question of nudging the authorities to proceed against the fourth respondent will not arise. I cannot disregard the contention made by the learned counsel for the fourth respondent. The lodging of the complaints are actuated by malice. If the petitioner is a mere devotee of the temple, then it would be a different matter. But the petitioner has staked a rival claim for the post of the hereditary trustee. Therefore, in the said background, it would not be safe for this Court to issue any specific direction as such. The matter is entirely left to discretion to the controlling authorities under the HR & CE Act.



8.With this observation, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

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// True Copy //

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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:

- 1.The Commissioner,
HR & CE Department,
Chennai.
- 2.The Joint Commissioner,
HR & CE Department,
Trichy District.
- 3.The Assistant Commissioner,
HR & CE Department,
Trichy District.

+1 CC to M/s.G. PRABHU RAJADURAI, Advocate (SR-18159[F] dated 28/09/2020)

+1 CC to M/s.GP (SR-18247[F] dated 28/09/2020)

+1 CC to M/s.K. GOVINDARAJAN, Advocate (SR-18181[F] dated 28/09/2020)

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SCR(CO)
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