



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2020

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).No.18662 of 2020

and W.M.P.(MD).Nos.15619 and 15620 of 2020

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J.Pandiammal

.. Petitioner

Vs.

1.The Commissioner,
Hindu Religious & Charitable Endowment Board,
No.119, Uthamar Gandhi Salai,
Nungambakkam High Road,
Nungambakkam, Chennai - 600 034.

2.The Joint Commissioner,
Hindu Religious & Charitable Endowment Board,
Office of the Joint Commissioner,
No.1, West Chitirai Street,
NTC Building Upstairs, Madurai - 625 001.

3.Mrs.R.Lakshmi

4.Mr.Ponnu Pandian

5.Mr.Jayaveera Pandi

6.Mr.Rajesh Pandi

7.Mr.Rishi Pandi

8.P.M.Indra Ammal

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the 2nd respondent herein in his proceedings in Na.Ka.No.10831/2020/21 dated 10.12.2020 served upon the petitioner, in person on the very same day and quash the same as illegal and in violation of Principles of Natural Justice and further direct the 2nd respondent herein to pass appropriate orders to implement the resolution No.28, dated 05.12.2020 passed by the Trustees of Arulmighu Pandi Muneeswarar Kovil, Melamadai, Madurai/respondents 3 to 7 herein and pass appropriate orders, within a time stipulated by this Court.

For Petitioner

: Mr.V.Meenakshi Sundaram
for Mr.D.Nallathambi



For Respondents

: Mr.K.P.Narayana Kumar for R1 & R2
Special Government Pleader

Mr.V.Nagarajan for R4 to R6

ORDER

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This writ petition has been filed challenging the order dated 10.12.2020, passed by the second respondent on the ground that the impugned order has been passed by violating the Principles of Natural Justice.

2.Heard Mr.V.Meenakshi Sundaram, learned Counsel for the petitioner, Mr.K.P.Narayana Kumar, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 and 2 and Mr.V.Nagarajan, learned counsel, who takes notice for the respondents 4 to 6.

3.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4.The learned counsel for the petitioner drew the attention of this Court to the order dated 14.10.2020, passed by this Court in W.P.(MD).No.11514 of 2020, wherein, this Court had permitted the petitioner to do poosari rights at Arulmighu Pandi Muneeswarar Temple, Melamadai, Madurai, till the disposal of the revision petition filed by her husband before the Secretary to Government, Tourism, Culture and Endowment Department. The learned counsel, while referring to the order passed by this Court on 14.10.2020, would also submit that with regard to the plate collection, it was left open and it was made clear by this Court that the same will have to be decided by the Joint Commissioner, Hindu Religious and Charitable Endowments Department, in the light of the decision of the Honourable Supreme Court, dated 29.01.2020, passed in Civil Appeal No.803 of 2020.

5.The learned counsel for the petitioner then drew the attention of this Court to the impugned order dated 10.12.2020 and would submit that even though the order dated 14.10.2020, passed by this Court in W.P.(MD).No.11514 of 2020, has been reflected, the second respondent has arbitrarily and illegally granted 30% share to the 8th respondent under the impugned order. It is also contended by the learned counsel for the petitioner that the second respondent has passed the impugned order only to frustrate the order passed by this Court in W.P.(MD).No.11514 of 2020. According to the petitioner, no notice was given to the petitioner before passing of the impugned order and the second respondent has violated the Principles of Natural Justice.

6.Further it is contended by the learned counsel for the petitioner that when the petitioner's husband is very much alive, in



the impugned order giving share of plate collection to the fifth respondent (petitioner's mother-in-law) is against law.

7.However, Mr.K.P.Narayana Kumar, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 and 2 would submit that the 8th respondent is the mother of the petitioner's husband and therefore, she is entitled for a share in the plate collection and rightly, the second respondent has passed the impugned order granting 30 % to the 8th respondent in the plate collection for the subject temple. Further, it is contended by the learned Special Government Pleader that the petitioner was very much present in the enquiry proceedings and the second respondent has photographed the same. Therefore, according to him, there is no violation of Principles of Natural Justice.

8.As seen from the impugned proceedings, even though the second respondent has made a reference to the order dated 14.10.2020, passed by this Court in W.P.(MD).No.11514 of 2020, wherein, the petitioner was permitted to act as a poosari for the subject temple in the absence of her husband and with regard to the plate collection, this Court had made it clear that the same shall be kept open and it shall be decided by the second respondent on merits and in accordance with law. Even though the learned Special Government Pleader on instructions would submit that the petitioner was present during the impugned proceedings, the order does not say so. As seen from the impugned order, there is no reference to any notice having been sent to the petitioner prior to the enquiry proceedings. In the earlier order passed by this Court on 14.10.2020 in W.P.(MD).No.11514 of 2020, with regard to the plate collection, this Court had left the issue open and directed the second respondent to consider the same on merits and in accordance with law. Therefore, the petitioner ought to have been given notice in the impugned proceedings. As observed earlier, there is no reference to the issuance of any notice to the petitioner prior to the passing of the order by the second respondent. Admittedly, after hearing the submissions of the learned Special Government Pleader for the respondents 1 and 2, the signature of the petitioner was also not obtained by the second respondent during the enquiry proceedings.

9.All the aforementioned factors will clearly reveal that the principles of natural justice has been violated by the second respondent, while passing the impugned order.

10.In the result, the impugned order dated 10.12.2020 is hereby quashed and the matter is remanded back to the second respondent for fresh consideration. The second respondent shall pass final orders on merits and in accordance with law, after affording sufficient opportunity to the petitioner and all other necessary parties, including the respondents 3 to 8 and also



twelve weeks from the date of receipt of a copy of this order.

11. With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar

// True Copy //

/ /2021

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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NTC Building Upstairs, Madurai - 625 001.

+1cc to Mr.V.Nagarajan, Advocate , SR No.25653
+1cc to Mr.D.Nallathambi, Advocate, SR No.25799
+1cc to M/s.Special Government Pleader, SRNo.26041

W.P (MD) .No.18662 of 2020
15.12.2020

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