



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2020

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD)No.13203 of 2017 and

WMP (MD)No.10270 of 2017

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Rebello

...Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious Charitable Endowments Department,
Madurai.

2.The Deputy Commissioner/
Executive Officer,
Arulmigu Pandimuneeswarar Temple,
Melamadai,
Madurai North Taluk,
Madurai District.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining of the 2nd respondent dated 15.06.2017 passed in Se.Mu.Na.Ka.No.52/2017/A and quash the same.

For Petitioner : M/s.J.Anandhavalli

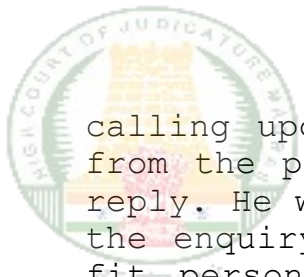
For Respondents : For R1 & R2 - Mr.V.R.Shanmuganathan
Special Government Pleader.

O R D E R

Heard the learned counsel for the Writ Petitioner and the learned Special Government Pleader appearing for the respondents.

2. The subject matter pertains to the affairs of Arulmigu Pandimuneeswarar Temple. The said temple was founded by one Mahamuni and he is no more. The Temple is now managed by Board of trustees. There are as many as 10 trustees. It is not in dispute that the Writ Petitioner is one of the hereditary trustees. But dispute has arisen with regard to the role played by the petitioner as poojari against the turn of one sarojaammal, who was the second wife of Mahamuni, who died issueless. The trustees were suspended from their office and a fit person was appointed. Now following the order of the Honourable Supreme Court passed on 29.01.2020, the management of the temple has been restored to the trustees.

3. During the period when the fit person looked after the affairs of the temple, he issued notice to the petitioner herein and



calling upon him to show cause as to why he should not be removed from the post of daily wages poojari. The petitioner submitted his reply. He was also asked for certain documents. Even without holding the enquiry, the impugned order dated 15.06.2017 was passed by the fit person removing the petitioner from his post as daily wages poojari. Serious allegations were made against the petitioner by the fit person. It is not a case, in which final order could have been passed merely after getting explanation from the noticee. The nature of allegations demanded holding of an enquiry. Therefore, on the ground that enquiry was not conducted, I quash the impugned order. The matter is remitted back to the authority. I make it clear that the other contentions raised by the petitioner have been entirely left open.

4. The Writ Petition is allowed on these terms. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vrn

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 Joint Commissioner,
Hindu Religious Charitable Endowments Department,
Madurai.

2.The Deputy Commissioner/
Executive Officer,
Arulmigu Pandimuneeswarar Temple,
Melamadai,
Madurai North Taluk, Madurai District.

+1 CC to M/s.J. ANANDHAVALLI, Advocate (SR-13710[F] dated
06/08/2020)

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(3/3)