



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

WEB COPY

Writ Petition (MD).No.23071 of 2017

and

W.M.P.(MD).No.19381 of 2017

A.Kalidoss

... Petitioner

Vs.

1.The Joint Commissioner / Executive Officer,
Arulmigu Dandayuthapaani Swami Tirukovil,
Palani,
Pin 624 601.

2.The Manager,
Arulmigu Dandayuthapanni Swami Tirukovil,
Palani,
Pin 624 601.

3.The Superintendent,
Tonsuring (Mudi) Section,
Arulmigu Dandayuthapaani Swami Tirukovil,
Palani,
Pin 624 601.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order dated 15.09.2017 passed by the first respondent in Na.Ka.No.2136/2012/A6 and set aside the same and further direct the respondents to grant license on tonsuring (mudi eduthal) in favour of the petitioner.

For Petitioner	:	Mr.V.Rajiv Rufus
For Respondents	:	Mr.V.R.Shanmuganathan Special Government Pleader

O R D E R

The petitioner had earlier filed a writ petition in W.P.(MD). No.13692 of 2017, in the nature of Mandamus seeking to consider his representation, dated 28.04.2017.

2. The petitioner's cousin brother is now engaged as a barber in Arulmigu Dandayuthapaani Swami Tirukovil at Palani. The said post is necessary for the said temple and very essential. The



petitioner had already filed a writ petition seeking consideration of his representation, by which representation, he sought transfer of the existing licence given to his cousin brother K.Karthick to the petitioner herein. This Court, by order dated 01.08.2017, had directed the respondents to consider the representation. Any administrative order in the nature of consideration of a representation should be passed, on the basis of following the principles of natural justice. This would also involve, removal of any bias on the Officer, who passes the administrative order and thereafter, issuing notice to the concerned parties, offering an opportunity of being heard and thereafter, passing an order based on reasons.

3. Unfortunately, it is pointed out by the learned counsel for the petitioner, the impugned order has been passed without issuing notice. The petitioner has not been heard. His cousin brother K.Karthick has not been heard. However, a decision has been taken rejecting his representation. Such decision naturally has to be interfered with by this Court. However, an opportunity is granted once again to the first respondent, Executive Officer, Arulmigu Dandayuthapaani Swami Tirukovil at Palani, to, invite both the petitioner and his cousin brother K.Karthick, examine the representation, record their submission and then pass a detailed order, keeping in mind the fact that the post of barber is essential for the temple and more particularly, retaining people, who are traditionally involved in such trade as barber for the temple would also be beneficial not only for the temple, but also to the pilgrims and to encourage such people to continue in that trade. Orders to be passed once again on or before 31.03.2020. In the first instance, notice may be issued for the appearance of the parties and his cousin brother K.Karthick before the first respondent, on 13.03.2020.

4. With the above direction, the writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CRL SIDE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

akv



To

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+1 CC to M/s.V.RAJIV RUFUS, Advocate (SR-10514[F] dated
06/03/2020)

Writ Petition (MD).No.23071 of 2017
05.03.2020

AVS (CO)
TR(09.03.2020)3P 5C