

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.3550 of 2021

C.E.Thanigai Mani

.. Petitioner

Vs

1. The State of Tamil Nadu,
rep. by its Principal Secretary to Government,
Tourism, Culture & Religious Endowments Dept.,
Secretariat, Chennai-9.
2. Hindu Religious and Charitable Endowments Dept.,
by its Commissioner,
119, Mahatma Gandhi Road,
Nungambakkam,
Chennai-34.
3. The Executive Officer (Tmt. Kaveri)
Sri Kapaleeswarar Temple,
Mylapore, Chennai-4.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the second respondent to take action against the third respondent by first transferring her out of Kapaleeswarar Temple and conducting Special Audit from the year 2012 to till date with the team of officials from the Office of the Accountant General, Institute of Chartered Accountants, with one official from the HR&CE, on issues related to Thiruther Shed of Sri Kapaleeswarar Temple apart from those indicated in Para 3.12 (a), (b), (c) and also conclude the disciplinary proceedings against her.

For Petitioner

: Ms.J.Amritha Sarayoo

For Respondents

: Mr.M.Karthikeyan

Spl. Government Pleader

for respondent Nos.1 and 2

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

There are three prayers in the petition, said to have been filed in public interest.

2. The first two grievances of the writ petitioner are that the accounts of the relevant temple are mismanaged and the writ petitioner's representation in such regard has fallen on deaf ears. The other grievance of the writ petitioner pertains to the third respondent and the writ petitioner seeks the removal of the third respondent from the relevant temple.

3. It appears that the writ petitioner has already made a written representation which is under consideration of the HR & CE Department. It is submitted on behalf of the official respondents that pursuant to the writ petitioner's representation, the matter is being inquired into and a formal report will be prepared.

4. In view of such submission, W.P.No.3550 of 2021 is disposed of by allowing the writ petitioner to pursue the writ petitioner's representation and by directing the second respondent to look into the acts of perceived defalcation and mismanagement attributed to the erstwhile management of the temple by the writ petitioner. The writ petitioner must receive a written response to his representation. Such response should be issued within eight weeks from date.

5. As to the transfer of the third respondent, the writ petitioner has brought the matter to the notice of the appropriate authorities and it is for such authorities to consider whether the third respondent should be removed or not. The petitioner will have liberty to approach the Court if the writ petitioner is not satisfied with the steps taken by the respondent authorities. However, such action has to be by the writ petitioner upon establishing the writ petitioner's rights qua the temple and not by bringing any public interest litigation in such regard.

W.P.No.3550 of 2021 is disposed of. Consequently, W.M.P.No.4042 of 2021 is closed. There will be no order as to costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To:

1.The Principal Secretary to Government,
State of Tamil Nadu,
Tourism, Culture & Religious Endowments Dept.,
Secretariat, Chennai-9.

2.The Commissioner,
Hindu Religious and Charitable Endowments Dept.,
119, Mahatma Gandhi Road,
Nungambakkam,
Chennai-34.

3.The Executive officer, Sri kapaleeswarar Temple,
Mylapore, Chennai-4.

+2cc to M/s. J.Amirtha sarayoo, Advocate, Sr.No. 8772

W.P.No.3550 of 2021

JPII(CO)
RMP(01/03/2021)



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