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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27-07-2021

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.15450 of 2021

And

WMP No.16375 of 2021

U.Munusamy

..
vs.

Petitioner

1.The Commissioner,
Hindu Religious and Charitable Endowment,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai-34.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Villupuram and District.

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Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records pertaining to the impugned order made by the second respondent in ref Ch.Mu.Nat.Na.Ka.No.8860/2020-1/A order dated 25.06.2021 and quash the same as illegal, arbitrary, callous and abuse of power.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.N.R.R.Arun Natarajan,
Government Advocate.

O R D E R

The order of interim suspension, placing the writ petitioner under suspension from the post of Hereditary Trustee, is under challenge in the present writ petition.

2. The learned counsel for the petitioner made a submission that the charges framed against the writ petitioner, are untenable and flimsy and therefore, the impugned order is bad in law.

3. The petitioner, who from and out of his own funds, constructed a temple and maintaining it properly. Based on



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certain false complaint, disciplinary actions are initiated against the petitioner and the order of interim suspension is issued. The petitioner is having ample evidence to establish that he is not at fault and he is ready to establish his innocence.

4. The learned Government Advocate, appearing on behalf of the respondents, objected the said contention of the learned counsel appearing on behalf of the petitioner, by stating that it is only an order of interim suspension issued pending enquiry and in the event of revocation of suspension, there is no possibility of fair enquiry, as the petitioner may interfere with the temple administration. Thus, in the interest of temple administration, the authorities thought fit to issue an order of interim suspension for the purpose of keeping the petitioner away from the temple administration. Thus, there is no irregularity or infirmity and the petitioner has to face the enquiry in order to establish his innocence or otherwise.

5. This Court is of the considered opinion that the order impugned is an interim suspension, placing the writ petitioner under suspension from the post of Hereditary Trustee. The charges are already framed. Enquiry is yet to be conducted. The petitioner himself says that he is ready to establish his innocence.

6. This being the factum, the respondents are directed to proceed with the enquiry by affording an opportunity to the writ petitioner to establish his case and thereafter, take a decision on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. The writ petitioner is directed to cooperate for the early disposal of the enquiry and the petitioner shall not ask any unnecessary adjournments on flimsy grounds and in such an event, the authorities are bound to record the same in the proceedings.

7. With the above directions, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Svn



To

1. The Commissioner,
Hindu Religious and Charitable Endowment,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai-34.

2. The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Villupuram and District.

+1cc to Mr.V.Raghavachari, Advocate, S.R.No.35865

+1cc to the Government Pleader, S.R.No.36689

WP No.15450 of 2021

UM(CO)

B.VC (18/08/2021)