

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2021

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.NO.17511 OF 2020

&

WMP.NO.21694 OF 2020

Mr.R.Aruchamy

... Petitioner

Vs.

1. The Commissioner
Hindu Religious & Charitable Endowment Department,
Nungambakkam, Chennai-600034
2. The Joint Commissioner
Hindu Religious & Charitable Endowment Department,
Dr.Balasundaram Salai
Coimbatore-641 018
3. The Assistant Commissioner
Hindu Religious & Charitable Endowment Department,
Coimbatore
4. The Fit Person,
A/m.Neeliamman Temple,
Paruvaai, Pallaadam Taluk,
Thirupur District,
Executive Officer of A/m.Pongaliamman Temple
Palladam.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Certiorari calling for the records pertaining to the proceedings of the 3rd respondent dated 21.11.2019 in Se.Mu.Na.Ka.5217/A1/2019 and quash the same.

For Petitioner : Ms.V.S.Usharani

For Respondents: Mr.R.P.Prathap Singh
Government Advocate for R1 to R3
No Appearance for R4

O R D E R

Heard Ms.V.S.Usharani, learned counsel for the petitioner and Mr.R.P.Prathap Singh, learned Government Advocate for R1 to R3.

2.On 08.02.2021, I have passed the following order:

Mr.R.Venkatesh, learned Government Advocate seeks some time to file a counter. Let instructions be obtained specifically on whether the principles of natural justice have been adhered to in this case seeing as the impugned order has no reference to a show cause notice or notice of any sort whatsoever, having been issued to the petitioner prior to passing of the order. The impugned order only refers to a report of the Inspector and no other communication.

2. List on 23.02.2021.

3. Today Mr.Prathap would fairly confirm the position that the impugned order has been passed only based on the report of the Inspector, which has not been furnished to the petitioner. Further, no show cause notice was issued to the petitioner prior to appointment of the fit person.

4. In the aforesaid circumstances the impugned order, passed is in gross violation of principles of natural justice, is set aside.

5. Moreover, the petitioner appears to have made an application in terms of Section 63 (b) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 ('Act') seeking orders for declaration that the petitioner is a hereditary trustee of Arulmighu Neeliamman Temple, Paruvaai, Pallaadam Taluk, Thirupur District (Temple). Though there is no acknowledgment for having filed the Section 68 (b) application, let the Authorities obtain a copy of the same from the typed set filed along with this writ petition, issue notice to the petitioner and any other parties that are deemed necessary and pass orders within a period of eight weeks from today. Till such time, the petitioner, who is stated to be in the management of the Temple, will continue management of the same till disposal of the 63 (b) application, in any event, within a period of eight weeks from today.

6. This writ petition is disposed in the above terms.
Connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner
Hindu Religious & Charitable Endowment Department,
Nungambakkam, Chennai-600034
2. The Joint Commissioner
Hindu Religious & Charitable Endowment Department,
Dr.Balasundaram Salai
Coimbatore-641 018
3. The Assistant Commissioner
Hindu Religious & Charitable Endowment Department,
Coimbatore

+1cc to Ms.V.S.Usharani, Advocate, S.R.No.10632

+1cc to the Government Pleader, S.R.No.10874

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JP(CO)
CS/22/03/2021

सत्यमेव जयते

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