



WEB COPY

W.P(MD)No.9459 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.05.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P (MD)No.9459 of 2021

and

W.M.P. (MD)No.7183 of 2021

M.Palaniyandi

... Petitioner

vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments,
119, Uthamar Gandhi Road,
Chennai - 600 034.

2.The Additional Commissioner,
Hindu Religious and Charitable Endowments,
119, Uthamar Gandhi Road,
Chennai - 600 034.

3.The District Collector,
Pudukottai District,
Pudukottai.

4.The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Pudukottai District.

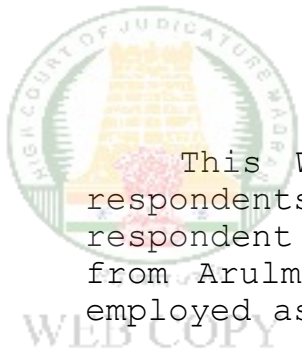
5.The Executive Officer,
Pudukottai Temples Circle,
Pudukottai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing respondent Nos.1 to 4 to take appropriate action against respondent No.5 and direct the respondents not to remove the petitioner from Guard duty in Arulmighu Muthumariamman Temple.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.K.P.Narayanakumar,
Special Govt. Pleader for R1 to R4.
Mr.C.Mathavan for R5.

**ORDER**

This Writ Petition is filed for issuing a direction to the respondents 1 to 4 to take appropriate action against the fifth respondent and direct the respondents not to remove the petitioner from Arulmighu Muthumariamman Temple, in which, the petitioner is employed as Guard.

2.The petitioner received a notice dated 19.04.2021 from the fifth respondent. By this notice, the petitioner was asked as to why disciplinary proceedings should not be taken against him for the misconduct stated in the notice. Stating that the fifth respondent is inimical towards the petitioner and that the petitioner has given a representation about several irregularities committed by the fifth respondent, the petitioner has come forward with the present Writ Petition, directing the respondents 1 to 4 to take action against the fifth respondent and further to direct the respondents not to remove the petitioner from his position.

3.The learned counsel appearing for the fifth respondent submitted that the allegations against the fifth respondent are false and they are made for the purpose of this litigation. If the petitioner wants to pursue the complaint, it is open to him to pursue the same independently. The submissions made by the learned counsel for the fifth respondent are placed on record.

4.The petitioner seeks an order, which is prohibitory in nature. It cannot be granted unless it is established that the respondents have no power or authority to deal with the petitioner for his irregularities committed while in service. In other words, the Writ of Prohibition can be maintained, if the respondents have no jurisdiction or authority to pass an order or to take action. In the present case, the petitioner was found to have committed certain irregularities and a show-cause notice was issued to him calling for explanation from him as to why disciplinary proceedings should not be taken against him for the irregularities committed by him. In such circumstances, the petitioner submitted a representation to every superiors, making allegations against the fifth respondent. One of the allegations made by the petitioner against the fifth respondent is that he is demanding a sum of Rs.1 Lakh as bribe to enable the petitioner to hold his position in the temple as Guard. Though the representation of the petitioner making allegations against the fifth respondent can be separately considered, under the pretext of such representation, the petitioner cannot be granted the relief, which is now sought for in the present Writ Petition. There cannot be prohibitory order prohibiting the statutory authorities exercising their duties as contemplated under the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. Therefore, this Court does not find any merit in the Writ Petition and hence, the Writ Petition is liable to be dismissed. Accordingly, it is



dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Vacation Officer

// True Copy //

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/ /2021

Sub Assistant Registrar(CS)

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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 Commissioner,
Hindu Religious and Charitable Endowments,
119, Uthamar Gandhi Road,
Chennai - 600 034.
- 2.The Additional Commissioner,
Hindu Religious and Charitable Endowments,
119, Uthamar Gandhi Road,
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- 5.The Executive Officer,
Pudukottai Temples Circle,
Pudukottai.

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RK (24.05.2021) 3P 5C