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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2022

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THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.NO.11538 OF 2022

AND

W.M.P.NO.11016 OF 2022

R.Vasanth
W/o.Sampath

... Petitioner

.Vs.

1. The Commissioner,
The Hindu Religious and Charitable
Endowment Department,
Nungambakkam,
Chennai - 600 034.

2. The Joint Commissioner,
The Hindu Religious and Charitable
Endowment Department,
Coimbatore - 641 018.

3. The Assistant Commissioner/Executive Officer,
Arul Mighu Vanabadrakali Amman Temple,
Thekkampatti,
Mettupalayam Taluk,
Coimbatore District.

4. A.Nellaiappan

... Respondents

PRAYER:- Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorari, calling for the records relating to the proceedings in A.P.No.01/2017/B1, dated 25.01.2022, on the file of the second respondent herein and to quash the same.

For Petitioner : M/s.Elizabeth Ravi

For Respondents

For R1 to R3 : Mr.Arun Natarajan
Special Government Pleader



ORDER

Mr. Arun Natarajan, learned Special Government Pleader takes notice on behalf of the first to third respondents.

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2. The petitioner has challenged the impugned order passed by the second respondent/Joint Commissioner, Hindu Religious and Charitable Endowment Department in A.P.No.01/2017/B1 on 25.01.2022.

3. The petitioner is aggrieved that the fourth respondent has unnecessarily filed an appeal before the second respondent/Joint Commissioner, Hindu Religious and Charitable Endowment Department in A.P.No.01/2017/B1 against the charge memo dated 25.04.2017 and that against the aforesaid order, the petitioner has filed a revision petition before the first respondent/Commissioner, Hindu Religious and Charitable Endowment Department in R.P.No.287 of 2017, which came to be disposed on 10.10.2018. Pursuant to which, the impugned order has been passed by the second respondent by directing the petitioner to conclude/complete the proceedings that came to be commenced with the charge memo dated 25.04.2017.

4. The learned counsel for the petitioner submits that fourth respondent has taken advantage of the entire proceedings and therefore the impugned order directing the petitioner to complete/conclude the proceedings within a period of one month cannot be countenanced. It is further submitted that the order of suspension/suspension order has also been set aside. On this count also, the impugned order is liable to be disposed of.

5. Opposing the prayer, the learned Special Government Pleader for the first to third respondents would submit that there is no irregularity in the impugned order as which the petitioner has been directed to complete the proceedings within a period of one month pursuant to the charge memo dated 25.04.2017, against the fourth respondent.

6. The learned Special Government Pleader for the first to third respondents further submits that there is an appellate mechanism prescribed under the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, (hereinafter referred to as the HR & CE Act) against the order passed under Sections 21-A and 56 (2) of the HR & CE Act.



7. I have considered the arguments advanced by the learned counsel for the petitioner and the learned Special Government Pleader for the first to third respondents.

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8. This Writ Petition is being disposed by dispensing with a notice and counter on the private respondent/fourth respondent, as no adverse orders are proposed to be passed against the private respondent/fourth respondent in this writ petition. Considering the fact that there is an order of the second respondent to direct the petitioner to complete the proceedings in respect of the charge memo issued by the petitioner to the fourth respondent on 25.04.2017, I am inclined to dispose this writ petition by directing the respondents to pass appropriate orders in accordance with law in terms of the impugned order. In my view, no useful purpose would be served by keeping the petitioner under suspension after the charge memo came to be issued on 25.04.2017, since the said charge memo has been kept in abeyance, during the period.

9. This Writ Petition stands disposed of with the above observations. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,
The Hindu Religious and Charitable
Endowment Department,
Nungambakkam,
Chennai - 600 034.

2. The Joint Commissioner,
The Hindu Religious and Charitable
Endowment Department,
Coimbatore - 641 018.



3. The Assistant Commissioner/Executive Officer,
Arul Mighu Vanabadrakali Amman Temple,
Thekkampatti,
Mettupalayam Taluk,
Coimbatore District.

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+1cc to M/s.Elizabeth Ravi, Advocate, S.R.No.32466
+1cc to the Government Pleader, S.R.No.32677

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W.M.P.NO.11016 OF 2022

KK (CO)
PBS/15/06/2022