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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Writ Petition No.2619 of 2014
and
M.P.No.1 of 2014

P.Nagarajan
S/o.Late Ponnusamy

... Petitioner

Vs.

1.The District Collector,
Tiruppur District, Tiruppur.

2.The Commissioner,
Hindu Religious Endowment Board,
Chennai - 600 034.

3.The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Coimbatore - 18.

4.The Executive Officer,
Arulmighu Kaadu Hanumantarayar Thirukoil,
Dharapuram - 638 656, Tiruppur District.

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling upon the proceedings pertaining to the impugned order Na.Ka.No.1 of 2013 dated 03.01.2014 passed by the fourth respondent and quash the same.

For Petitioner : Mr.B.Eswaran
for M/s.Swaraj Associates

For Respondents : Mrs.S.Anitha
Special Government Pleader



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O R D E R

The order passed by the Executive Officer to recover the financial loss occurred to the third respondent is under challenge in the present writ petition.

2. The petitioner was working in the fourth respondent temple. He was performing the duties of a ticket issuer from 1994 onwards temporarily and his services were made permanent in the year 1996 and thereafter, he was deputed to serve as a Writer in the temple. The petitioner was placed under suspension and disciplinary proceedings were initiated. The Executive Officer found that there was a financial loss to the temple and accordingly, directed the petitioner to deposit the loss amount of Rs.6,11,803/-. In respect of the said order passed by the Executive Officer, the petitioner has to approach the competent authority for adjudication of the disputed issues. The disputed issues with reference to the allegations are imminent in view of the fact that verification of documents and evidences are required to form an opinion. Such an adjudication cannot be done in writ proceedings by the High Court.

3. The importance of filing an appeal, at no circumstances, be dispensed with in view of the fact that the findings of the appellate authority, in such circumstances, would be of greater assistance to the High Court for exercising the powers of judicial review under Article 226 of the Constitution of India in an effective manner. Thus, an aggrieved person, in all circumstances, is expected to prefer an appeal before the competent authority for adjudication of original facts and thereafter, approach the Court of law, if required. This being the principle to be followed, the petitioner is at liberty to approach the competent authority for redressal of his grievance. In the event of filing any such appeal, the period during which the writ petition is pending before this Court, is to be taken into consideration for the purpose of condoning the delay, if any and the issues are to be decided on merits and in accordance with law as expeditiously as possible.

With these observations, this Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar



To

1.The District Collector,
Tiruppur District, Tiruppur.

2.The Commissioner,
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Chennai - 600 034.

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Coimbatore - 18.

4.The Executive Officer,
Arulmighu Kaadu Hanumantarayar Thirukoil,
Dharapuram - 638 656,
Tiruppur District.

+lcc to Government Pleader SR. No. 33645

Writ Petition No.2619 of 2014

KJ (CO)
PR (24/06/2022)