



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 18.04.2022

DELIVERED ON : 28.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.A(MD) Nos.307, 311 & 356 of 2022

and

C.M.P(MD) Nos.3005, 3053 & 3054, 3564 & 3565 of 2022

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W.A(MD) No.307 of 2022

M.Seetharaman

...Appellant/Petitioner

-Vs-

1. The Commissioner,
HR&CE Department,
Nungambakkam,
Chennai.
2. The Joint Commissioner / Executive Officer,
Arulmigu Subramania Swamy Temple,
Tiruchendur, Thoothukudi District.
3. The Fit Person / Thakkar,
Arulmigu Subramania Swamy Temple,
Tiruchendur, Thoothukudi District.
4. The Director General of Police,
Mylapore, Chennai.
5. The Superintendent of Police,
Thoothukudi,
Thoothukudi District.

... Respondents/ Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters patent Act, to set aside the order dated 03.03.2022 made in W.P.(MD)No.1700 of 2022.

Prayer in WP(MD). 1700/ 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court S-2. To issue a Writ of Certiorari, to call for the records of the 2nd respondent in 2nd respondent in Na.Ka.No. 2360/2021-2/U2 dated 21.12.2021 and quash the same as illegal.



For Appellant : Mr.G.Rajaraman

For Respondents : Mr.R.Shunmugasundaram,
Advocate General

Assisted by
Mr.P.Subbaraj
Special Government Pleader
for R1, R4 & R5

Mr.M.Muthugeethayan
Standing Counsel for R2 & R3

W.A(MD) No.311 of 2022

Sri Subramanya Swamy Thirukovil
Swathanthira Paribalana Sthalathar Sabha
Represented by its President,
D.Kumar Ayyar,

...Appellant

-Vs-

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

2. The Joint Commissioner / Executive Officer,
Hindu Religious and Charitable Endowment Department,
Arulmigu Subramania Swamy Temple,
Tiruchendur, Thoothukudi District.

3. The Fit Person / Thakkar,
Arulmigu Subramania Swamy Temple,
Tiruchendur, Thoothukudi District.

4. The Director General of Police,
Mylapore, Chennai - 600 004.

5. The Superintendent of Police,
Thoothukudi.

...Respondents/Respondents

6. M.Seetharaman

...Respondent/Petitioner

PRAYER: Writ Appeal filed under Clause 15 of the Letters patent Act,
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2022.

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Certiorari, to call for the records of the 2nd respondent in 2nd
respondent in Na.Ka.No. 2360/2021-2/U2 dated 21.12.2021 and quash
the same as illegal.



For Appellant : Mr.VR.Shanmuganathan
for Mr.G.Chandrasekhar

For Respondents : Mr.R.Shunmugasundaram,
Advocate General

Assisted by
Mr.P.Subbaraj
Special Government Pleader
for R1, R4 & R5

Mr.M.Muthugeethayan
Standing Counsel for R2 & R3
Mr.G.Rajaraman for R6

W.A(MD) No.356 of 2022

Thiruchendur Shri Jeyanthi Nathar
Thirisuthanthirars Kaariyasthar
Sthaanigar Sabha (Sl.No.39/2018),
Through its Secretary,
A.Narayanan.

... Appellant/3rd Party

-Vs-

1.M.Seetharaman

...1st Respondent/Petitioner

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

3. The Joint Commissioner / Executive Officer,
Arulmigu Subramania Swamy Temple,
Tiruchendur, Tuticorin District.

4. The Fit Person / Thakkar,
Arulmigu Subramania Swamy Temple,
Tiruchendur, Tuticorin District.

5. The Director General of Police,
Mylapore,
Chennai - 600 004.

6. The Superintendent of Police,
Tuticorin.

7. The Commissioner,
Tiruchendur Municipality,
Tiruchendur,
Thoothukudi District.

... Respondents 2to 7/Respondents



PRAYER: Writ Appeal filed under Clause 15 of the Letters patent Act, to set aside the order dated 23.03.2022 made in W.P.(MD)No.1700 of 2022 .

Prayer in WP(MD). 1700/ 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court S-2. To issue a Writ of Certiorari, to call for the records of the 2nd respondent in 2nd respondent in Na.Ka.No. 2360/2021-2/U2 dated 21.12.2021 and quash the same as illegal.

For Appellant : Mr.V.Meenakshi Sundaram

For Respondents : Mr.G.Rajaraman for R1

Mr.R.Shunmugasundaram,
Advocate General

Assisted by
Mr.P.Subbaraj
Special Government Pleader
for R2, R5 & R6

Mr.M.Muthugeethayan
Standing Counsel for R3 & R4

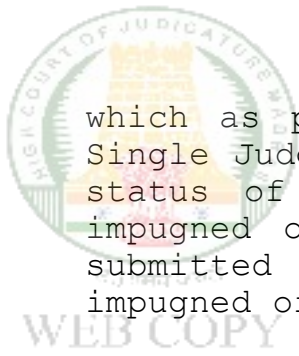
COMMON JUDGMENT

PARESH UPADHYAY, J.,

1. Challenge in these appeals is made to the orders dated 03.03.2022, 23.03.2022 and 30.03.2022 recorded on W.P.(MD) No. 1700 of 2022.

2. The implementation of the impugned orders was stayed by this Court firstly vide order dated 31.03.2022 and subsequently clarified vide order dated 01.04.2022.

3. Learned advocates for the appellants have vehemently submitted that, the relief sought by the petitioner was quashment of suspension order. It is submitted that, the said order was already stayed initially. It is further submitted that, the said stay order is not even vacated by learned Single Judge but independently those directions are given which are not only beyond the scope of the writ petition, those directions are in the nature of public interest,



which as per Roster could not have been taken up by any learned Single Judge. Grievance is also made that, the parties who may have status of necessary party are also not heard and therefore the impugned orders are unsustainable on that ground as well. It is submitted that these appeals be allowed by setting aside the impugned orders.

4. On the other hand, learned Advocate General on behalf of the State has submitted that, the learned Single Judge has not given any new direction because such directions were already given by the Division Bench of this Court in W.P.(MD) No. 11817 of 2018 and the impugned orders are only reiteration thereof. It is submitted that no interference be made by this Court. It is submitted that these appeals be dismissed.

5. Having heard learned advocates for the respective parties and having considered the material on record this Court finds as under:-

5.1 The subject matter of the writ petition is the service matter. As per Roster it was listed before learned Single Judge. The directions contained in the impugned orders are in the nature of public interest. The impugned orders are unsustainable on more than one grounds. Firstly, it was beyond the scope of the writ petition and further that, even if it was thought necessary, as per Roster the matter was required to be considered by the Division Bench. Going by any scale the impugned orders are unsustainable and therefore the same need to be quashed and set aside.

5.2 So far the argument on behalf of the State to the effect that, the learned Single Judge has not given any new direction because such directions were already given by the Division Bench of this Court in W.P.(MD) No. 11817 of 2018 and the impugned orders are only reiteration thereof, is concerned we note that, even if it was so, it was the subject matter of the Division Bench and therefore the same could not have been done by learned Single Judge. We also note that, even the sustainability of the directions of the Division Bench of this Court recorded in W.P.(MD) No. 11817 of 2018 is questioned by us and the matter is being referred to the larger Bench for the reasons recorded in a separate order passed today. Beyond this, no further reason needs to be recorded so far these appeals are concerned.

6. For the above reasons we set aside the impugned orders in these appeals. So far the merits of the writ petition is concerned, the matter is being remitted back to learned Single Judge, by a separate order (today), for adjudicating the dispute raised in the writ petition on its own merits.



7. These appeals are allowed in above terms. No costs.
Connected miscellaneous petitions would not survive.

Sd/-

Assistant Registrar (CS-II)

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// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssm

To

1. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam,
Chennai.
 2. The Joint Commissioner / Executive Officer,
Hindu Religious and Charitable Endowment Department,
Arulmigu Subramania Swamy Temple,
Tiruchendur, Thoothukudi District.
 3. The Director General of Police,
Mylapore, Chennai.
 4. The Superintendent of Police,
Thoothukudi,
Thoothukudi District.
 5. The Commissioner,
Tiruchendur Municipality,
Tiruchendur, Thoothukudi District.
- +1 CC to M/s.G. RAJARAMAN, Advocate (SR-21966[F] dated 28/04/2022)
- +1 CC to M/s.M.MUTHUGEETHAYAN, Advocate (SR-22303[F] dated 28/04/2022)
- +1 CC to M/s.SPL.GP (SR-23266,23267[F] dated 02/05/2022)

W.A(MD) Nos.307, 311 & 356 of 2022
28.04.2022

RK(19/05/2022) 6P 9C