



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.03.2022**

CORAM:

THE HONOURABLE MR.JUSTICE **C.SARAVANAN**

W.P. (MD) No.5501 of 2019

and

W.M.P. (MD) No.4368 of 2019

WEB COPY

Nataraja Gurukkal

... Petitioner

/vs./

1.The Joint Commissioner,
Hindu Charitable and Religious
Endowments Department,
Trichy -5.

2.The Deputy Commissioner,
Hindu Charitable and Religious
Endowments Department,
Karur District, Karur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the record pertaining to the order issued by the 1st respondent vide proceedings in S.Mu.Na.ka.No.2143/2019 AA1 dated 27.02.2019, quash the same.

For Petitioner : M/s.R.Jenifer Bibin for
M/s.D.Geetha

For Respondents : Mr.P.Subbaraj
Special Government Pleader

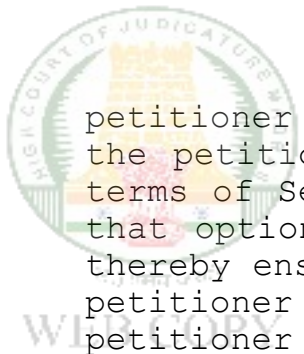
ORDER

This writ petition has been filed for a Certiorari to call for the records pertaining to the order of the 1st respondent dated 27.02.2019 passed in S.Mu.Na.ka.No.2143/2019 AA1 and to quash the same.

2.Though there is a representation on behalf of the petitioner, there is a request for adjournment.

3.The learned Special Government Pleader for the respondents submits that the writ petition has resulted in stifling of disciplinary proceedings against the petitioner and that is pending since 2019, in view of the pendency of the present writ petition.

4.A reading of the impugned order indicates that the petitioner has been issued with a charge memo and was also suspended, in terms of Section 53(2) of the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959 (*herein after referred to as Act*). If the



petitioner is aggrieved by the order of suspension, it was open for the petitioner to file an appeal before the appellate authority in terms of Section 53(5) of the Act. The petitioner has not exercised that option. Instead, the petitioner has approached this Court and thereby ensured that the disciplinary proceeding pending against the petitioner is not proceeded further. It is noticed that the petitioner was aged about 75 years, at the time of filing of the writ petition. Now two years have slipped further during the pendency of the present writ petition.

5.Considering the above, this writ petition is disposed of, by directing the respondents to complete the disciplinary proceeding pending against the petitioner within a period of 6 months from the date of receipt of a copy of this order. Liberty is also given to the petitioner to file an appeal, within a period of 30 days from the date of receipt of a copy of this order, challenging the suspension order before the appellate authority in terms of Section 53 (5) of the Act. In case, such appeal is filed within such time, the appellate authority shall consider the same and pass appropriate orders within a period of 30 days therefrom. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MM

To

1.The Joint Commissioner,
Hindu Charitable and Religious Endowments Department,
Trichy -5.

2.The Deputy Commissioner,
Hindu Charitable and Religious Endowments Department,
Karur District, Karur.

+1 CC to M/s.D.GEETHA, Advocate (SR-11049[F] dated 10/03/2022)

+1 CC to M/s.SPL GP (SR-11187[F] dated 10/03/2022)

W.P. (MD) No.5501 of 2019
09.03.2022

SB (CO)
GC (21.03.2022) 2P 5C