



W.P.(MD)No.15672 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.(MD)No.15672 of 2022

T.Kumar

.. Petitioner

Vs

1. The Commissioner

**Hindu Religious Charitable and Endowments Department
No.119, Uthamar Gandhi Road,
Nungampakkam, Chennai- 34.**

2. The Regional Audit Officer

**Hindu Religious Charitable and Endowments Department,
Trichy.**

3. The Arulmighu Samayapuram Mariamman Temple,

**Samayapuram, Manachanallu Taluk,
Trichy District**

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st Respondent to take action against the erring officials, who were responsible for the loss to the temple and recommended in the Audit Report dated 30.06.2020 and based on his representation dated 24.05.2022 within stipulated time fixed by this Honble Court



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For Petitioner	: Mr.S.M.Mohan Gandhi
For Respondents	: Mr.M.Lingadurai
No.1 and 2	Special Government Pleader
No.3	: Mr.S.Ramesh
	Standing Counsel

ORDER

This Writ Petition has been filed to consider the representation of the petitioner dated 24.05.2022.

2. The contention of the petitioner is that some irregularities has been going on in the management of the Arulmighu Samayapuram Mariamman Temple, Trichy. The petitioner through Right to Information Act has obtained information about audit report for the year 2010- 2017. On perusal of the same, the petitioner found that there are irregularities for the fasali 1424,1425 and 1426, hence he sent a representation. The primary allegation against the officials is that circular number 19998/2012 W4 dated 23.04.2012 not followed by the first respondent/Joint Commissioner while publishing tender by MSTC (E Auction) and caused huge loss to the the income of the temple. The petitioner sent representation to the Commissioner, HR and CE



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Department, on 24.05.2022 and the same received on 28.05.2022, thereafter no action taken, hence he filed the present petition.

3. The learned Special Government Pleader appearing for the respondents 1 and 2 would submit that G.O.No.124 dated 01.07.2022 has been issued forming committees. Three committees formed to take action against the petitions and complaints being received against the Officers and staffs of the temple. The first committee is to deal with the temples in the grade of Joint Commissioner/Executive Officer. The second committee to deal with temples in the grade of Deputy Commissioner /Executive Officer. The third committee is to deal with temples in the grade of Assistant Commissioner/ Executive Officer. As regards this case is concerned, the temple is of Joint Commissioner grade. For complaint of any such nature, the Commissioner is the Chairman and the Joint Director, Audit Department its Member and the Chief Accounts Officer, HR and CE Department, Member Secretary. They will consider the complaint and thereafter direct appropriate action. In this case complaint received, thereafter considered and the complaint of the petitioner rejected. He further submitted that earlier the petitioner



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filed a Public Interest Litigation case in W.P(MD) No.4742 of 2022 on similar allegations, dismissed by this Court on 10.12.2021 finding that the petition does not fulfil the merit for consideration as Public Interest Litigation.

4. The learned counsel appearing for the third respondent would submit that the petitioner's complaint is a motivated one. As regards the MSTC (E Auction) after getting approval from the Commissioner, the e-auction conducted. Further he also referred to the observation made in WP(MD) No.4172 of 2021, wherein it reads as follows:

7.A Counter affidavit has been filed, wherein, it has been stated by the Joint Commissioner/The Executive Officer that the temple has strictly followed the formalities, particularly, the tender formalities which are in force in the Public Works Department of the State Government. It is also further stated that no lapse or defects have been pointed out by the Petitioner and the Audit Wing of the Hindu Religious and Charitable Endowments Department has not come up with any such mal-administration of the fund.

5. Thus, it is seen that this Court on an earlier occasion found there is no irregularities, the audit wing found no mal-administration on



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the funds by the then Joint Commissioner/ Thennarasu, hence he prayed for dismissal of the same.

6. Heard the learned counsel appearing for the petitioner, Special Government Pleader appearing for the respondents 1 and 2 and the learned Standing Counsel appearing for the third respondent.

7. It is seen that the petitioner earlier in his petition dated 12.03.2022 made almost similar allegations without giving any details. Now in the present representation he refers to audit objections which cannot straight away termed as malpractices. Further it is seen from the report of the present Executive Officer, wherein it is found that the then Executive Officer after obtaining permission from the Commissioner had only adopted MSTC (E Auction).

8. This Court finds that the allegations made against the petitioner is not sustainable is without any merits. Further the petitioner's representation dated 24.05.2022 has been received and taken for consideration on 06.06.2022, found complaint baseless. The then Joint



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Commissioner/Executive Officer obtained permission from Commissioner who approved auction of MSTC (E Auction). Recording the same rejected the representation of the petitioner dated 24.05.2022.

9. In view of the same, this Court finds no reason to entertain the petition, hence the Writ Petition stands dismissed. No Costs. Further the third respondent is directed to communicate the copy of the rejection order to the petitioner.

21.07.2022

Index: Yes/No
Internet : Yes/No
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M.NIRMAL KUMAR, J.

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