



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.02.2022**

CORAM:

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

W.P. (MD) No.10016 of 2018

and

W.M.P. (MD) No.9155 of 2018

WEB COPY

S.Karthick

... Petitioner

/vs./

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Salai,
Chennai-34.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Madurai 625 001.

3.The Deputy Commissioner/Executive Officer,
Arulmigu Pandimuneeswarar Temple,
Melamadai,
Madurai East Taluk,
Madurai District.

4.The Fit Person/Deputy Commissioner,
Arulmigu Pandimuneeswarar Temple,
Melamadai,
Madurai East Taluk,
Madurai District.

... Respondents

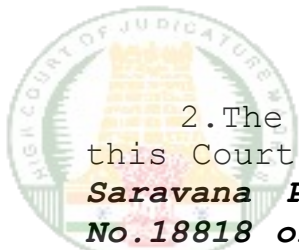
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records of the impugned order of the 4th respondent in proceedings Se.Mu.Na.Ka.No.63/2017 Aa1 dated 26.03.2018 issued by the petitioner and quash the same as illegal.

For Petitioner : Mr.R.R.Kannan

For R1 & R2 : Mr.P.T.Thiraviam
Government Advocate

ORDER

The petitioner has challenged the impugned notice/suspension order dated 26.03.2018 suspending him from acting as Poojari of the Temple on the ground that he was involved in a criminal case.



2.The learned counsel for the petitioner has drawn attention of this Court to the decision of the Hon'ble Supreme Court rendered in **Saravana Pandian Vs. Govt. of Tamil Nadu and others [S.L.P. (C) No.18818 of 2018, dated 29.01.2020]**. As per the said decision, the Management of the Temple and the Trust have been given back to the Hereditary Trustees from the Executive Officer of the HR and CE Department.

3.The learned counsel for the petitioner further submits that though the petitioner was arrayed as 2nd accused in Crime No.1373 of 2017, dated 28.07.2017, for the alleged offences under Sections 294 (b), 353 and 506(ii) of I.P.C., in the final report filed under Section 173 of Cr.P.C., the name of the petitioner has been dropped.

4.The learned counsel for the petitioner has also drawn attention of this Court to a requisition letter of the Sub-Inspector of Police, Anna Nagar Police Station, Madurai, addressed to the learned Judicial Magistrate No.VI, Madurai, wherein the Sub-Inspector of Police has informed the Court that the name of the petitioner may be deleted as he was not involved in any crime. It is therefore submitted that the impugned suspension order dated 26.03.2018, may be quashed.

5.A perusal of document indicates that the criminal case, which was registered against the petitioner, has been directed to be withdrawn and a requisition letter has been sent by the Sub-Inspector of Police, Anna Nagar Police Station, Madurai to the learned Judicial Magistrate No.VI, Madurai. The petitioner was suspended when the erstwhile Fit Person was appointed for taking charge of the temple. Since the management of the temple has been handed over to the Hereditary Trustees, the impugned order of the 4th respondent in Se.Mu.Na.Ka.No.63/2017 Aa1 dated 26.03.2018 suspending the petitioner from acting as Poojari is hereby quashed.

6.The writ petition is allowed, accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

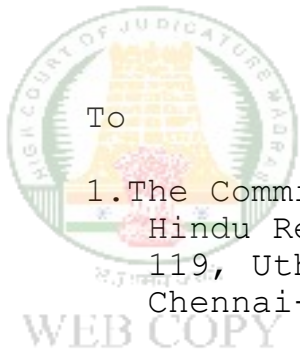
Assistant Registrar (CS-II)

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/ /2022

Sub Assistant Registrar(CS)

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To

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Madurai District.

+1 CC to M/s.R.R.KANNAN, Advocate (SR-6167[F] dated 15/02/2022)

+1 CC to M/s.SPL GP (SR-6500[F] dated 16/02/2022)

W.P. (MD) No.10016 of 2018
15.02.2022

RD(08.03.2022) 3P 6C