



W.P. (MD) No. 10730 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2022

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C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. (MD) No. 10730 of 2018

and

W.M.P. (MD) No. 9826 of 2018

N.Valli

... Petitioner

Vs.

1.The Joint Commissioner,
HR & CE (Admn) Department,
Madurai.

2.The Fit Person/Deputy Commissioner,
Arulmigu Pandi Muneeswarar Temple,
Melamadai,
Madurai District.

3.The Executive Officer,
Arulmigu Pandi Muneeswarar Temple,
Melamadai,
Madurai District.

4.R.Lakshmi

5.Ponnupandian

6.P.Jai Veerapandi

7.R.Rajesh Pandi

8.Rishi Pandi

... Respondents

[R4 to R8 were impleaded vide Court order dated 25.03.2022]



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PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned proceedings issued by the second respondent dated 23.04.2018 vide Na.Ka.No.96/2017/AA1 and quash the same.

For Petitioner	: Ms. J.Anandhavalli
For R1 & R2	: Mr. P.Subbaraj Special Government Pleader
For R3 to R8	: No Appearance

ORDER

Heard Ms. J.Anandhavalli, Learned Counsel for the Petitioner, Mr. P.Subbaraj, Learned Special Government Pleader, who takes notice for the First and Second Respondents and perused the materials placed on record apart from the pleadings of the parties.

2. This Writ Petition has been filed challenging the proceedings in Na.Ka.No.96/2017/AA1, dated 23.04.2018 passed by the Second Respondent, which is a notice calling upon the Petitioner to show cause why he should not be relieved from the post of Poojari of Arulmigu Pandi Muneeswarar Temple in view of his superannuation as per Rule 5 of the



Tamil Nadu Hindu Religious Institutions (Officers and Servants) Service Rules, 1964.

3. The Petitioner filed an additional affidavit dated 14.12.2022 in which it has been stated as follows:-

“3. At the time of filing of Writ Petition, there is no Fit Person in the temple it is only the 3 respondent functioning in the temple. Since, the very same officer namely Executive Officer, Arulmigu Subramaniasamy Temple, Thiruparankundram who was functioning as Fit Person for Arulmigu Pandi Muneeswarar Temple, Madurai having been appointed as Executive officer for the said t Chennai Uls. 45(1) of the TN HR & CE Act. Taking advantage of the said by temple the Commissioner, TN H.R & C.E, fact, when there is no office of the Fit Person, the 3" respondent stating that he is also functioning proceedings. as the 2 respondent issued the impugned

4. At the time of filing of Writ petition disciplinary proceedings were pending before the Secretary to Government,



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Tourism, Culture and Endowment Department, Fort St. George, Chennai as against eight Hereditary Trustees. Thereafter, the Hereditary Trustees were terminated from their office on 13.05.2016 which was the subject matter of challenge by way of an appeal before this Hon'ble Court.

5. The Civil Miscellaneous appeals were allowed and remanded to the file of Secretary to Government, Tourism, Culture and Endowment Department, Fort St. George, Chennai. The Order of remand was the subject matter of challenge before the Hon'ble Apex Court. The Hon'ble Apex Court confirmed the order of remand and set aside the order by the Executive Officer and administration by the Executive Officer. Instead, the Hon'ble Apex Court has appointed respondents 4 to 8 herein as Hereditary Trustees for administering the temple who are all from the family of Hereditary Trustees. I enclose herewith the order of the Hon'ble Apex Court dated 29.01.2020. I filed W.M.P(MD)No.3264 of 2022 to implead the respondents 4 to 8 herein in the above Writ Petition and the same was ordered by this Hon'ble Court on 25.03.2022.



6. *In the above stated circumstances as on date there is neither Fit Person nor Executive Officer for Arulmigu Pandi Muneeswarar Temple, Madurai. In the said circumstances. The Impugned Order/Notice cannot be put into service by the respondents. Service Rules for the Employees of the year 1964 is repealed and the Tamil Nadu Hindu Religious Institutions Employees (Conditions of Services) Rules 2020 has been enacted.”*

Having due regard to the fact that Rules under which show cause notice was issued has been repealed and substituted by Tamil Nadu Hindu Religious Institutions Employees (Conditions of Services) Rules 2020, and the Fit Person is not in office in view of the directions issued by the Hon'ble Supreme Court of India in S.L.P. (C) No. 18818 of 2018, the impugned show cause notice is set aside, but it would not preclude the concerned authorities from taking any fresh action, if warranted, by following the prescribed procedure in the manner recognized by law.

4. In the result, the Writ Petition is disposed with the aforesaid



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clarifications. Consequently, the connected Miscellaneous Petitions are closed. No costs.

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14.12.2022

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Index : Yes/No

Note: Issue order copy on 30.01.2023.

To

- 1.The Joint Commissioner,
HR & CE (Admn) Department,
Madurai.
- 2.The Fit Person/Deputy Commissioner,
Arulmigu Pandi Muneeswarar Temple,
Melamadaï,
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P.D.AUDIKESAVALU,J.

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