



WP.No.5053 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2023

CORAM:

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

WP.No.5053 of 2023  
and W.M.P.No.5075 of 2023

Water Pandal Charities at Neidavayal Village  
Rep by its Sole Trustee  
T.Mohana Sundaram Chettiar  
S/o.Thiagaraya Chettiar  
No.5/275, Ground Floor, Buvaneswari Street  
Madipakkam, Chennai – 600 091

.. Petitioner

Versus

1.The Government of Tamil Nadu  
Rep by Secretary  
The Hindu Religious and Charitable Endowments Department  
Fort St.George  
Chennai – 600 009

2.The Commissioner  
The Hindu Religious and Charitable Endowments Department  
No.119, Uthamar Gandhi Road  
Nungambakkam, Chennai – 600 034

3.The Assistant Commissioner  
The Hindu Religious and Charitable Endowments Department  
No.1, C.V.Naidu Road  
Thiruvallur – 602 001

.. Respondents

Prayer:- Writ Petition filed under the Article 226 of Constitution of India,



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to issue a Writ of Certiorari, calling for the records of the third respondent dated 09.01.2023 in his proceeding Na.Ka.No.604/2015/E3/Dated 09.01.2023 and quash the same.

For Petitioner : Mr.S.Angamuthu  
For Respondents : Mr.N.R.R.Arun Natarajan  
Special Government Pleader

### **ORDER**

This Writ Petition has been filed challenging the show cause notice issued by the respondent in Na.Ka.No.604/2015/E3/Dated 09.01.2023 for appointment of fit person and quash the same.

2. It is the case of the petitioner that the property comprised in Survey No.779/1, previously Survey No.779/1 measuring to an extent of 4.85 acres, Survey No.779/3 measuring to an extent of 0.71 acres, Survey No.780/3 measuring to an extent of 1.36 acres, Survey No.781 measuring to an extent of 7.16 acres, in all measuring to an extent of 14.08 acres was granted as Inam to the petitioner's great grand father for the purpose of Thanneer Pandal Charities during the year 1864 and the Trust is managed by the petitioner. Now, the respondent extended its scope beyond the act and tried to take control of the management and has issued the impugned show cause notice.



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3. The main contention of the learned counsel for the petitioner is that the Trust is managed by the petitioner and the proceedings of the respondent is bad in law.

4. According to Mr.N.R.R.Arun Natarajan, learned Special Government Pleader, a fit person has been appointed by the respondent department on 08.03.2017, the same was challenged by the very same petitioner in W.P.No.21533 of 2017. This Court, by Order dated 06.09.2022 set aside the appointment, however, granted liberty to the respondent to initiate proceedings if they have reasons to believe that the Trust is not properly managed by the petitioner or there is misfeasance or malfeasance. Only pursuant to the directions of this Court, the impugned show cause notice is issued.

5. Heard both sides and perused the materials placed on record. What has been challenged is merely a show cause notice. On earlier occasion, the petitioner challenged the appointment of fit person by the authorities before this Court in W.P.No. 21533 of 2017 and this Court by order dated 06.09.2022, wherein in para 12, it would read as follows:



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*“(12) For the reasons stated above, this Court is unable to sustain the impugned order. Hence, the writ petition is allowed and the impugned order of the 3rd respondent dated 08.03.2017 is set aside. However, it is open to the 3rd respondent to initiate proceedings in case he has reasons to believe that the Trust is not properly managed by the writ petitioner or there is misfeasance or malfeasance. It is made clear that no final order can be passed behind the back of the petitioner. The petitioner is entitled to be heard and the 3rd respondent, after issuing show cause notice, may pass final orders only after hearing the objections/representations of the petitioner and affording sufficient opportunity to the petitioner. No costs. Consequently, connected miscellaneous petitions are closed.”*

6. Based on the above directions, the respondents after satisfying that there is some irregularities in administering the properties has issued the impugned show cause notice to appear for enquiry to produce the relevant documents. Such being the position, it is for the petitioner to appear and establish his case before the respondents. As a matter of right, he cannot challenge a show cause notice. The person cannot be expected to challenge the action to be proposed. If at all the petitioner has legal points, the same could be addressed before the authorities. Such view of the matter, I do not find any merits in this case.



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7. At the time of dismissing this petitioner, the learned counsel for the petitioner submitted that the date fixed for enquiry has already expired. Such view of the mater, this Court directs the respondent to issue fresh notice to the petitioner. On such notice, the petitioner shall appear before the respondent and produce the document as sought.

8. With the above, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

22.02.2023

Index : Yes/No  
Neutral Citation : Yes/No  
Speaking Order : Yes/No  
dhk

To

1.The Secretary  
The Government of Tamil Nadu  
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Fort St.George  
Chennai – 600 009

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**N. SATHISH KUMAR, J.**

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3.The Assistant Commissioner  
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