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W.P.No.9362 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2023

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.9362 of 2023

1.T.Thamotharan
2.V.Ramachandran

... Petitioners

-Vs-

1.The State of Tamil Nadu
Rep.by the Secretary to Government
Tourism, Culture and Religious Endowments
Department
Fort St.George
Chennai 600 009.

2.The Commissioner
Religious and Charitable Endowments
Department
Uthamar Gandhi Salai
Nungambakkam
Chennai 600 034.

3.The Joint Commissioner
Hindu Religious and Charitable
Endowments Department
Salem, Salem District.

.. Respondents



W.P.No.9362 of 2023

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 1st respondent to conclude the proceedings in Letter No.9846/A.Ni 3.1/2008-2, dated 3.4.2009 within a stipulated period.

For Petitioner Mr.K.Selvaraj

For Respondents Mr.S.Yashwanth
Additional Government Pleader
(HR and CE)

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the first respondent to conclude the proceedings pending in Letter No.9846/A.Ni 3.1/2008-3, dated 3.4.2009 and Letter No.9846/A.Ni 3.1/2008-2 dated 3.4.2009, within the time limit prescribed by this Court.

2.Heard Mr.K.Selvaraj, learned counsel for the petitioner and Mr.S.Yashwanth, learned Additional Government Pleader (HR and CE), for the respondents.

3.The father of the first petitioner and the second petitioner were appointed as hereditary Trustees through proceedings dated 11.05.2005. There was some complaint against the hereditary Trustees and hence, the first respondent by order dated 3.4.2009



W.P.No.9362 of 2023

suspended the hereditary Trustees and also issued a charge memo dated 03.04.2009 to them. Explanation was also given to the charge memo.

4.In the meantime, the second respondent by an order dated 09.04.2013, exercised the *suo motu* revision power and cancelled the appointment of the hereditary Trustees and the matter was remanded back to the file of the Joint Commissioner, HR and CE, for de novo enquiry. The father of the first petitioner died on 08.05.2020.

5.The petitioners made representations to the first respondent to conclude the enquiry based on the charge memo. No enquiry was conducted and the status quo continued. When the petitioners approached the third respondent to dispose of the applications pursuant to the matter being remanded back by the Commissioner for de novo enquiry, the third respondent was not willing to hear the applications since the proceedings before the first respondent was pending. Left with no other alternative, the present writ petition has been filed before this Court.

6.In the considered view of this Court, pursuant to the order passed by the Commissioner by exercising his *suo motu* revisional powers and cancelling the very appointment of the hereditary Trustees and remanding the matter back to the file of the



W.P.No.9362 of 2023

Joint Commissioner, HR and CE, to conduct a de novo enquiry, the order of suspension passed by the first respondent and the charge memo issued to the hereditary Trustees, pales into insignificance. If the very appointment of the hereditary Trustees has been cancelled, the interim suspension and issuance of charge memo will no more subsist. Therefore, the proceedings initiated by the first respondent against the hereditary Trustees will not come in the way of the third respondent conducting the enquiry after the matter has been remanded back by the Commissioner of HR and CE.

7. In the light of the above discussion, this Court holds that the order passed by the first respondent on 03.04.2009 and suspending the hereditary Trustees and issuance of charge memo, no longer subsists since the very appointment of the Trustees has been set aside by the Commissioner of HR and CE and the matter has been remanded back to the file of the third respondent. In view of the same, there shall be a direction to the third respondent to deal with the pending applications in OA.No.16 of 1988 and O.A.No.28 of 1990, after affording opportunity to the parties concerned and final orders shall be passed in these applications, within a period of **three months** from the date of receipt of copy of this order. The learned Additional Government Pleader (HR and CE) submitted that the Temple is now under the control of the administration of the Executive Officer.



W.P.No.9362 of 2023

This writ petition is disposed of with the above directions. No costs.

WEB COPY

19.04.2023

2/2

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Internet : Yes/No

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

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W.P.No.9362 of 2023

N.ANAND VENKATESH, J.

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W.P.No.9362 of 2023

19.04.2023
2/2