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W.P.No.15264 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.15264 of 2023
and WMP No.14757 of 2023

A.R.Gopi
Hereditary Trustee
Sri Prasanna Eshwarar
and Sri Ranganatha Swamy Temples
Sri Ranganatha Swamy Temples
Kanniambakkam and
Devedhanam Post, Ponneri.

... Petitioner

.Vs.

1. The Commissioner
Hindu Religious and Charitable Endowment
Uthamar Gandhi Road
Chennai - 34.
2. The Joint Commissioner
HR & CE, Vellore District.
3. The Assistant Commissioner
HR & CE Devadhanam Village
Ponneri Taluk
Thiruvallur District.
4. The Inspector
HR & CE, Minjur
Thiruvallur District.
5. Vaiko Dasan @ M.Venkateswara Rao

.. Respondents



W.P.No.15264 of 2023

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records in Se. Mu. Na. Ka. No.3924 / 2022 / Aa2 dated 08.05.2023 passed by the 2nd respondent and quash the same.

For Petitioner	Mr.S.Veeraraghavan
For Respondents	Mr.K.Karthikeyan Government Advocate (HR &CE) for R1 to R4 Mrs.G.Sumitra for R5

ORDER

This writ petition has been filed challenging the impugned proceedings of the 2nd respondent in Se.Mu.Na.Ka.No.3924/2022/Aa2 dated 08.05.2023, wherein charges have been framed against the petitioner and pending the inquiry into the charges, the petitioner has been suspended from his position as the Hereditary Trustee of Sri Prasanna Eshwarar and Sri Ranganatha Swamy Temples.

2.Heard Mr.S.Veeraraghavan, learned counsel for the petitioner, Mr.K.Karthikeyan, learned Government Advocate (HR &CE) for R1 to R4 and Mrs.G.Sumitra, learned counsel for R5.

3.The short facts of the case is that the petitioner seems to be the Hereditary Trustee of the subject Temple and according to the petitioner, he took several steps to restore the



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properties belonging to the Temple and also made representations before the Joint Commissioner to initiate proceedings under Section 78 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as 'the Act') to remove the encroachers and to take back possession of the properties belonging to the Temple. The further case of the petitioner is that even on earlier occasions, he had approached this Court and filed writ petitions and this Court had issued directions for removing encroachments from the properties belonging to the Temple.

4.The grievance of the petitioner is that on the instigation of some of the encroachers, a false complaint was given against the petitioner by the 5th respondent and as a result, proceedings were initiated by the 2nd respondent by framing false charges against the petitioner and the petitioner was also suspended from his position as the Hereditary Trustee of the Temple. Aggrieved by the same, the present writ petition has been filed before this Court.

5.This Court has carefully considered the submissions made on either side and the materials available on record.

6.The main crux of the argument of the learned counsel for the petitioner is that the so called charges that have been framed arises out of audit objections that were made and according to the learned counsel for the petitioner, if the petitioner had been asked for the explanation, he would have given the explanation and there was no occasion for framing

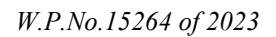


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charges against the petitioner. It was further contended that the petitioner was never heard and he has been illegally suspended from his position as the Hereditary Trustee of the Temple.

7.This Court carefully went through the charges that have been framed against the petitioner. These charges, require an inquiry and it goes without saying that such inquiry will be conducted only after getting the explanation from the petitioner and by affording him an opportunity. The suspension of the petitioner is traceable to Section 54(4) of the Act and whenever charges are framed against a trustee, pending disposal of the same, a trustee can be placed under suspension and a fit person can be appointed to discharge and perform the duties of a trustee. The said suspension is more by way of an interim measure and hence, the provision does not contemplate any opportunity to be given before suspending the trustee, pending the inquiry. There is a difference between suspension under Sections 53 (2) and 53 (4) of the Act. In the former, it is by way of a punishment and in the latter, it is an interim arrangement pending disposal of the charges framed against the trustee.

8.In the light of the above discussion, this Court deems it appropriate to fix a time limit for the completion of the inquiry and for passing final orders by the 2nd respondent. The petitioner is directed to submit his explanation along with all the relevant records within a period of two weeks from the date of receipt of copy of this order. The 2nd respondent on receipt of the same shall proceed to conduct the inquiry, after affording sufficient opportunity to the petitioner. Thereafter, it is left open to the 2nd respondent to pass orders on its own



9. This writ petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

19.06.2023

Internet : Yes/No
Index : Yes/No
Neutral Citation : Yes/No

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N.ANAND VENKATESH, J.

KP

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