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W.P.No.24038 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :16.08.2023

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.24038 of 2023

O.G.K.G.Srinivasan Chettiar

...Petitioner

Vs.

1.The Commissioner,
HR & CE Department,
Uthamar Gandhi Road,
Nungambakkam, Chennai – 600034.

2.The Joint Commissioner,
HR & CE Department,
Salem – 636 001.

3.The Assistant Commissioner,
HR & CE Department,
Salem – 636 001.

4.R.Subramanian

5.S.Sugumaran

6.B.Manoharan

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to pass final order in pursuant to enquiry conducted on 12.12.2022 by 3rd respondent in



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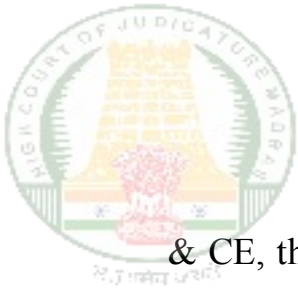
order to cancel the Trust Deed dated 02.05.2017 in Doc.No.13 of 2017 Registered before the Sub Registrar Office, Omalur and to take criminal action against the respondents 4 to 6 viz., Administrative Members / Trustees of A/M.Ramalinga Sowdeswari Amman Temple, Kottamettupatti, Omalur Taluk, appoint the Executive Officer U/s.45 (1) of the TN HR & CE Act 1959, to safeguard movable and immovable property of temple by considering the petitioner's representation dated 02.01.2020.

For Petitioner	: Mr.M.Elango
For Respondents 1 to 3	: Mr.S.Yashwanth Additional Government Pleader

ORDER

The writ petition is filed seeking direction to the the respondents 1 to 3 to pass final order pursuant to enquiry conducted on 12.12.2022 by the 3rd respondent based on the representation of the petitioner dated 02.01.2020 and further direct the respondents 1 to 3 to take criminal action against the respondents 4 to 6 and to appoint Executive Officer of A/M.Ramalinga Sowdeswari Amman Temple, Kottamettupatti, Omalur Taluk.

2.It is the case of the petitioner that A/M.Ramalinga Sowdeswari Amman Temple, Kottamettupatti, Omalur Taluk, belongs to Devanga Community and as per the scheme settled by the Deputy Commissioner of HR



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& CE, the temple shall be administered by not less than five people belonging to the community. It is the specific case of the petitioner that certain building belonging to the temple had been demolished by the Managing Trust and they also constructed a commercial complex without getting necessary approval. It is also further averred by the petitioner that a Trust Deed was executed by the persons in the administration of the temple, which is contrary to the scheme decree. In this connection, the petitioner submitted a representation to the respondents on 02.01.2020, to take appropriate action. The 1st respondent after receipt of the representation of the petitioner, directed the 2nd respondent to conduct enquiry and file a report. Thereafter, the 2nd respondent issued notice for conducting enquiry on 12.12.2022. Though the 2nd respondent has conducted enquiry on 12.12.2022, so far he has not passed any final orders. Therefore, the petitioner is constrained to file this writ petition.

3. Mr.S.Yashwanth, learned Additional Government Pleader who takes notice for the respondents 1 to 3, on instructions submits that enquiry will be completed and final orders will be passed by the second respondent within the time stipulated by this Court.

4. The prayer of the petitioner for appointing an Executive Officer to the



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above said temple cannot be entertained by this Court. The appointment of Executive Officer of the above said temple has to be decided by the 1st respondent based on the enquiry report. Therefore, this Court cannot issue positive direction to the respondents to appoint an Executive Officer. However, in view of the fact that the 2nd respondent has already conducted enquiry based on the representation of the petitioner dated 02.01.2020, without expressing any opinion on merits of the case, this Court is inclined to issue a direction to the 2nd respondent to complete the enquiry and pass final orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, the writ petition stands disposed of. No costs.

16.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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S.SOUNTHAR, J.
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