



W.P. (MD) No. 5813 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 04.01.2023

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKEAVALU

W.P. (MD) No. 5813 of 2021

and

W.M.P. (MD) Nos. 4567 and 4569 of 2021

Sri Sarguru Rajayoga Sangam

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai-600 034.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments
Administration Department,
Dindigul.

3.The Administrative Officer,
(The Fit Person appointed),
Arulmigu Vigneswarar Temple,
Old Aykudi, Sivagiripatti,
Palani Circle.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India,

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to issue a Writ of Certiorari, to call for the records of the second respondent culminating in order in Sa.Mu.Na.Ka.No.4935A1, dated 28.12.2020 and the consequential order dated 22.02.2021 quash both orders.

For Petitioner : Mr. T.Ravichandran
For Respondents : Mr. P.Subbaraj
Special Government Pleader

ORDER

Heard Mr. T.Ravichandran, learned Counsel for the Petitioner and Mr. P.Subbaraj, Learned Special Government Pleader for the Respondents and perused the materials placed on record apart from the pleadings of the parties.

2. The Writ Petition challenges the Order in Sa. Mu. Na. Ka. No. 4935A1 dated 28.12.2020 passed by the First Respondent appointing Fit Person for the Temple of the Third Respondent.



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3. The pivotal attack on the impugned order by the Petitioner, which claims to be an association running the affairs of the Madam, is that before the passing of the impugned order, neither any notice nor any opportunity of personal hearing has been afforded by the First Respondent.

4. It is trite law that any administrative action which involves civil consequences must be made consistently with the rules of natural justice, meaning thereby that the person concerned must be informed of the case with supporting evidence against him and he must be given a fair opportunity to meet the case before an adverse decision is taken as held by the Hon'ble Supreme Court of India in *State of Orissa -vs- Binapani Dei* (AIR 1967 SC 1269). There is nothing to show either in the impugned order or in the Counter-Affidavit dated 06.06.2022 filed by the Second Respondent that before passing the impugned order appointing Fit Person for the Temple of the Third Respondent, any show cause notice has been issued to the to the Petitioner and the other persons concerned calling for explanation from them with supporting materials in that regard. Such incurable flaw in decision making by the First Respondent is in violation of the principles of natural



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justice and would vitiate the entire proceedings. In that view of the matter, the impugned Order in Sa. Mu. Na. Ka. No. 4935A1 dated 28.12.2020 passed by the First Respondent is set aside leaving it open to the concerned authorities to appropriately deal with the matter following due process. If the concerned authorities intend to appoint any Fit Person to the Temple of the Third Respondent in future, it shall be incumbent upon them to issue show cause notice to the Petitioner and other persons concerned with supporting materials and after affording full opportunity of personal hearing to them and considering each of the objections raised, a reasoned order shall be passed on merits and in accordance with law for the prescribed procedure in consonance with the principles of natural justice and the decision taken shall be communicated to the concerned persons under written acknowledgment.

In the result, the Writ Petition is disposed on the aforesaid terms. Consequently, connected Miscellaneous Petitions are closed. No costs.

04.01.2023



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Index : Yes/No

Note: Issue order copy by 30.01.2023.

To

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Chennai-600 034.
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P.D.AUDIKESAVALU,J.

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