



W.P(MD)No.6761 of 2014

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6761 of 2014

G.Papanasam Chettiar

... Petitioner

Vs

1.The Commissioner,
Hindu Religious and Charitable
Endowment Board,
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Board,
Tirunelveli.

3.S.Gomathinayagam Pillai

4.S.Ramalingam Pillai

5.K.Desiganathan Chettiar

6.S.Ulaganathan Pillai

7.G.Chithambarakumarasamy Pillai
***(R.3 to R.7 are impleaded vide order
of this Court dated 28.07.2016 in
W.M.P(MD)No.9442 of 2016)***

... Respondents



W.P(MD)No.6761 of 2014

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to conduct enquiry and pass orders on merits as directed by the first respondent in his proceedings dated 16.05.2013 and 24.02.2014 after giving notice to the parties interested.

For Petitioner : Mr.H.Arumugam

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader
for R.1 & R.2

No Appearance for R.3 to R.7

ORDER

Heard the learned counsel on either side.

2. The case of the petitioner is that the audit objection raised with regard to the thirupani accounts for a period from 29.08.2004 till 11.12.2005 has not been settled.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition. He also filed written notes.



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4. This Court had earlier called upon the Joint Commissioner, Hindu Religious and Charitable Endowment Board, Tirunelveli Division to file status report. Paragraphs 3, 4 and 5 of the status report read as follows:

“3. I humbly submits that after knowing the death of the 5th and 6th respondent, I issued the above show cause notice dated 07.04.2023 to the present trustees namely S.Narayanamoorthy – 1, S.Viswanathan – 2 and Ravindra Babu – 3. The above show cause notice served directly by the Inspector of H.R & C.E, Ambasamudram. As per the notice, the present trustees appeared before me on 12.04.2023 and gave an explanation for the show case notice.

4. I humbly submits that the present trustees jointly gave a deposition stating that the expenses incurred for the consecration was accepted by the community people and the resolution was passed to that effect. They further stated that the committee formed for the consecration incurred only the necessary expenses for the consecration and they further stated that the Audit objections raised by the Auditors was not acceptable and they requested to remove the audit objections.

5. I humbly submits that the statement given by the present trustees are not acceptable one. I propose to initiate the Joint sitting for the audit objections and the necessary action will be taken on the basis of the outcome of the Joint Sitting. Due to the upgradation of the above temple, the



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jurisdiction of the temple now vested with the Joint Commissioner, Tirunelveli. The office of the Joint Commissioner received the file from the office of the Assistance Commissioner, Tirunelveli vide letter dated 10.03.2023. The delay caused only due to the upgradation of the subject temple. ”

5. The second respondent is directed to take the matter to its logical conclusion and pass formal order on the petitioner's representation as expeditiously as possible.

6. This writ petition is disposed of accordingly. There shall be no order as to costs.

19.07.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

1.The Commissioner,
Hindu Religious and Charitable
Endowment Board,
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Board,
Tirunelveli.



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G.R.SWAMINATHAN, J.

MGA

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