



W.P.(MD).No.21287 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 31.08.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.21287 of 2023

S.Ramar Poosari

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Represented by its Principal Secretary,
Tourism, Culture and Religious Endowments (RE 3-1) Department,
Fort St.George,
Chennai – 9.
- 2.The Commissioner,
Hindu Religious and Charitable Endowment Board,
Nungambakkam, Chennai – 600 034.
- 3.The Enquiry Officer / The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Tirunelveli, Tirunelveli District.
- 4.The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Sivagangai, now bifurcated to Madurai, Madurai District.
- 5.The Executive Officer / Assistant Commissioner,
Arulmigu Irrukangudi Mariamman Temple,
Irrukangudi Post,
Sattur Taluk,



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Virudhunagar District.

6.S.R.M.Ramamoorthy Poosari,
Hereditary Trustee,
Arulmighu Irrukangudi Mariamman Temple,
Irrukangudi Post, Sattur Taluk,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent herein to forward an enquiry report of the third respondent herein to the first respondent herein and direct the first respondent herein to pass orders under Section 53(2) of HR and CE Act against the sixth respondent herein by removing the Hereditary Trustee from the fifth respondent Temple.

For Petitioner : Mr.T.Pon Ramkumar

For R-1 to R-4 : Mr.R.Ragavendran,
Government Advocate.

For R-5 : Mr.V.R.Shanmuganathan,
Standing Counsel.

For R-6 : Mr.N.Dilip Kumar

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.



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This Writ Petition is filed for Mandamus, directing the second respondent herein to forward an enquiry report of the third respondent herein to the first respondent herein and consequently remove the sixth respondent from the post of Hereditary Trusteeship.

3. The petitioner as well as the sixth respondent had already filed a Writ petition before this Court in W.P.(MD).Nos.10328 and 7676 of 2018, 10676 of 2019 and 19107 of 2014 and the Learned Single Judge has passed an order dated 30.04.2021. Aggrieved over the order dated 30.04.2021, one Kathiresan Poosari has filed writ appeal in W.A.(MD).No.1570 of 2021 against the order passed in in W.P.(MD).No.7676 of 2018 alone and the Hon'ble Division Bench vide order dated 24.08.2021 has held as under:

“11. There is no merit in the appellant's assertion that the mere appointment of an inquiry officer amounts to delegation of the authority required to be exercised by the appropriate authority as defined in Section 53(1) of the Act. There is no infirmity in the order impugned dated April 30, 2021, as it appropriately held that an inquiry could, in such circumstances, be directed to be conducted by some other official.

12.It is hoped that the inquiry is now conducted and completed as expeditiously as possible and the report furnished to the Secretary for appropriate action in accordance with law”.



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4. The Hon'ble Division Bench has already considered the claim of the petitioner and has directed the appropriate authority to pass orders as expeditiously as possible. However, the first respondent has not passed any order.

5. Therefore, this Court directs the first respondent to consider the case as directed in W.A.(MD)No. 1570 of 2021 and pass orders within a period of six (6) months from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

31.08.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr

Note: Issue Order Copy on 01.09.2023.



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- 6.S.R.M.Ramamoorthy Poosari,
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S.SRIMATHY, J.

Nsr

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