



W.P(MD)No.21307 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.21307 of 2023 and
WMP(MD) No.17714 of 2023

S.Chandrasekara Gurukal

... Petitioner

Vs

**1.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Nungambakkam,
Chennai.**

**2.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department, Trichy.**

**3.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Tiruchirappalli - 3**

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling the records relating to the impugned proceedings of the 1st Respondent



W.P(MD)No.21307 of 2023

made in Na.Ka.No.57854/2023/L5 dated 16.08.2023 and quash the same.

For Petitioner : Mr.R.Murali
For Respondents : Mr.P.Subbu Raj
Special Government Pleader

ORDER

The case of the petitioner is that the petitioner is the hereditary trustee cum Gurukkal of Arulmigu Pidari Somakaliamman Thirukovil, Trichy District. According to the petitioner, the temple is functioning with the available source of income and the petitioner is properly maintaining the administration of the temple. While so, the Commissioner, Hindu Religious and Charitable Endowments Department has issued a notice dated 16.08.2023 for appointment of Executive officer for the temple administration. Since there is no necessity for appointment of Executive officer for the temple, the petitioner has challenged the notice in this writ petition.



W.P(MD)No.21307 of 2023

WEB COPY

2.Mr.P.Subbu Raj, learned Special Government Pleader who takes notice for the respondents submits that a recommendation has been made by the Assistant Commissioner for appointment of an Executive Officer for proper maintenance of Income and expenditure of the temple. Hence, a notice has been issued to the petitioner, calling upon him to submit his objection, if any. However, instead of submitting his objection, the petitioner has approached this Court.

3.This Court considered the rival submissions made.

4.The impugned proceedings is only a notice and therefore, this writ petition is not maintainable in view of the decision of the Hon'ble Supreme Court in **Union of India vs. Kunishetty Satyanarayana [(2006) 12 SCC 28]**.

5.Accordingly, this writ petition is disposed of with a direction to the respondents to furnish a copy of the proceedings of



W.P(MD)No.21307 of 2023

WEB COPY

the Assistant Commissioner, Trichy in Na.Ka.No.2290/2013/Aa1 dated 28.07.2023 to the petitioner, which is a basis for the impugned notice, within a period of two weeks from the date of receipt of a copy of this order. In such event, the petitioner is directed to file his response/explanation/objection to the notice within a period of one week from thereon. The first respondent shall take a decision on the proceedings within a period of eight weeks from the date of receipt of any objection by the petitioner. No costs. Consequently, connected Miscellaneous Petition is closed.

12.10.2023

NCC: Yes/No
Index: Yes/No
Internet: Yes
vrn



W.P(MD)No.21307 of 2023

To
WEB COPY

- 1.The Commissioner,
The Hindu Religious Charitable and
Endowment Department,
Nungambakkam High Road,
Chennai.
- 2.The Joint Commissioner,,
The Hindu Religious Charitable and
Endowment Department,
Thanjavur.
- 3.The Executive Officer,,
Arul Migu Punniyakodeeswarar Swamy Temple,
Vadaseri,
Thanjavur.



WEB COPY



W.P(MD)No.21307 of 2023

B.PUGALENDHI, J.

vrn

Order made in
W.P(MD)No.21307 of 2023 and
WMP(MD) No.17714 of 2023

12.10.2023