



W.P. (MD) No. 25682 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2023

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKEVALU

W.P. (MD) No. 25682 of 2022

and

W.M.P. (MD) Nos. 19791 and 19793 of 2022

Mahalingam

... Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Door No.119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai – 600 034.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Door No.40, Muthusamy Nagar,
Thiuppathur Road,
Sivagangai – 630 561.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Five Corner Road,
Paramakudi,
Ramanathapuram District – 623 707.
- 4.The Inspector,
Hindu Religious and Charitable Endowments Department,

1/6



W.P. (MD) No. 25682 of 2022

Thiruvadanai,
Ramanathapuram District.

5.N.Rajendran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Certiorari calling for the records relating to the impugned order dated 11.10.2022 in Na.Ka.No.3726/2022/A7 passed by the third respondent and quash the same.

For Petitioner : Mr. J.Barathan

For Respondents : Mr. T.Villavankothai (R1 to R4)
Additional Government Pleader

ORDER

Heard Mr. J.Barathan, Learned Counsel for the Petitioner and Mr. T.Villavankothai, Learned Additional Government Pleader, for the First to Fourth Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition challenges the Order in Na. Ka. No. 3726/2022/A7 dated 11.10.2022 passed by the Third Respondent appointing Fit Person for Arulmighu Sri Periyannayagi Amman Temple and Arulmigu Sri



W.P. (MD) No. 25682 of 2022

Pathinettampadi Karuppar Temple, Thottamangalam Village, Thiruvadanai Taluk, Ramanathapuram District (hereinafter referred to 'the Temple' for short).

3. The pivotal attack on the impugned order by the Petitioner, who claims to be a resident of the Village in which the Temples is situated, is that before the passing of the impugned order, neither any notice nor any opportunity of personal hearing has been afforded by the Third 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 that before passing the impugned order appointing Fit Person for the Temple , 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



W.P. (MD) No. 25682 of 2022

regard. Such incurable flaw in decision making by the Third Respondent is in violation of the principles of natural justice and would vitiate the entire proceedings. In that view of the matter, the impugned Order in Na. Ka. No. 3726/2022/A7 dated 11.10.2022 passed by the Third 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 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.



W.P. (MD) No. 25682 of 2022

04.01.2023

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NCC : Yes/No

Index : Yes/No

Note: Issue order copy by 03.03.2023.

To

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5/6



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W.P. (MD) No. 25682 of 2022

P.D.AUDIKESAVALU,J.

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W.P. (MD) No. 25682 of 2022

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