



WP(MD)No.24903 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.24903 of 2023
and W.M.P(MD).No.21074 of 2023

V.Chandrasekara Pandian

.. Petitioner

vs.

- 1.The Secretary to Government,
Hindu Religious and Charitable Endowments Department,
Government of Tamil Nadu,
Fort St.George,
Chennai.
- 2.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai-600 034.
- 3.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Dindigul Zone,
Dindigul.
- 4.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Theni.
- 5.The Inspector,
Hindu Religious and Charitable Endowments Department,
Usilampatti,
Madurai District.



WP(MD)No.24903 of 2023

6.The Executive Officer,
Arulmighu Dharmasastha Thirukovil,
Thimmarasanaickanur,
Andipatti Taluk,
Theni District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the third respondent made in Na.Ka.No.5046/2023/Aa4 dated 03.10.2023, quash the same and consequently, direct the third respondent to conduct enquiry by inspecting the temple properties physically and by giving opportunity to the petitioner to depose evidence.

For Petitioner : Mr.M.Chokkusamy

For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned order passed by the third respondent, dated 03.10.2023 suspending the petitioner from the post of Hereditary Trustee and appointing the sixth respondent as Thakkar and to direct the third respondent to conduct enquiry by inspecting the Temple properties physically and giving opportunity to the petitioner to depose evidence.



WP(MD)No.24903 of 2023

2. The petitioner claims to be a Zamindar of Uthappanaickanur and his ancestors have established six temples, namely, Arulmighu Subramaniasamy Thirukovil, Arulmighu Kannimar Thirukovil, Arulmighu Mallathaiyanswamy Thirukovil, Arulmighu Nimmaloothu Perumal Thirukovil, Arulmighu Vellaimalai Thirukovil and Arulmighu Kambathadi Perumal Thirukovil located in Uthappanaickanur Village, Usilampatti Taluk, Madurai District. The petitioner is now functioning as Hereditary Trustee of the said Temples. While so, on a complaint given by the fourth respondent that the petitioner is not maintaining the Temple properties properly, the third respondent has issued a show cause notice on 20.09.2023 calling for explanation from the petitioner and the petitioner has also offered his explanation on 26.09.2023. Not being satisfied with the explanation given by the petitioner, the third respondent has passed the impugned order dated 03.10.2023 suspending the petitioner from the post of Hereditary Trustee and appointing the sixth respondent as Fit Person under Section 53(1)(c) of the Hindu Religious and Charitable Endowments Act.

3. The learned counsel appearing for the petitioner submits that though the petitioner has offered his explanation for the charges framed against him immediately, without considering the same, the impugned order has been passed



WP(MD)No.24903 of 2023

on 03.10.2023. She further submits that the sixth respondent is spreading rumour as if the petitioner has been removed from the Temple administration and the conduct of the sixth respondent is affecting the reputation of family of the petitioner. Therefore, the learned counsel appearing for the petitioner requests to interfere with the impugned order.

4. The learned Special Government Pleader appearing for the respondents 1 to 5 submits that the third respondent has framed charges against the petitioner and is conducting enquiry on the charges levelled against him and the next date of enquiry is 27.11.2023. He further submits that the charges levelled against the petitioner are serious in nature and in order to avoid any further loss, the third respondent appointed the sixth respondent as Fit Person in the Temple.

5. This Court considered the rival submissions made by both sides and perused the materials available on record.

6. Though the petitioner claims that his ancestors have established the said Temples and he is functioning as Hereditary Trustee of the Temples and has also offered his explanation to the show cause notice issued by the third respondent



WP(MD)No.24903 of 2023

immediately and that overlooking the same, the impugned order was passed by the third respondent suspending him on 03.10.2023, this Court is not inclined to go into the merits of the case. However, considering the fact that the third respondent is conducting enquiry on the charges levelled against the petitioner and that the next date of enquiry is 27.11.2023, this Writ Petition is disposed of, with a direction to the third respondent to conclude the enquiry within a period of three months from the date of receipt of a copy of this order. Till such time, the impugned order dated 03.10.2023 shall be kept in abeyance. The petitioner shall co-operate with the enquiry conducted by the third respondent. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
NCC : Yes / No
Internet : Yes
ssb

17.11.2023



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WP(MD)No.24903 of 2023

B.PUGALENDHI, J.

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WP(MD)No.24903 of 2023

17.11.2023