



W.P.(MD).No.26994 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.26994 of 2023

G.Manikandan

... Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowment Board,
Nungambakkam, Chennai – 600 034.

2. The Deputy Commissioner,
Hindu Religious and Charitable Endowment Board,
Arulmigu Kallalagar Thirukovil,
Alagarkovil,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamu, calling for the records relating to impugned order in Na.Ka.464/2023/A5, dated 18.10.2023 of the second respondent herein and quash the same and consequently that the respondents herein to accommodate the petitioner herein in Arulmigu Subramaniasamy Tirukovil, Maruthamalai, Coimbatore District or any other temples in Coimbatore District.



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For Petitioner : Mr.T.Pon Ramkumar
For Respondents : Mr.P.Subbaraj
Special Government Pleader
For -R1
: Mr.S.Manohar – for R2
Standing Counsel

ORDER

The present writ petition has been filed by the Driver, who was working in the second respondent Temple, challenging an order passed by the second respondent, wherein, he has refused to him to forward his request for transfer to a different Temple.

2. According to the petitioner, he was working as a Driver at Maruthamalai Temple and he was transferred from Maruthamalai to Alagarkovil, by way of an order, dated 23.12.2022. Thereafter, he has made a request for re-transferring him to Maruthamalai and the second respondent herein has sought the opinion of the Joint Commissioner of Maruthamalai Temple and based upon the said opinion, he has refused to forward the papers to the first respondent.



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3. In the light of the above said facts, it is the contention of the learned counsel appearing for the petitioner that the first respondent alone is the competent authority to effect transfer and the second respondent herein is only a forwarding authority. Hence, he has sought to set aside the order.

4. Per contra, the learned Standing Counsel appearing for the second respondent temple brings to the notice of this Court that they have sought for an opinion from the Joint Commissioner of Maruthamalai Temple. Based upon the opinion, the second respondent has refused to forward the papers to the first respondent.

5. I have carefully considered the submissions made by the learned counsel on either side.

6. The facts narrated above clearly indicate that the first respondent alone is the competent authority to effect the transfer of the writ petitioner from one temple to another temple. The second respondent is only a forwarding authority. The petitioner has also submitted the representation to



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the first respondent on 11.10.2023 seeking re-transfer to Maruthamalai Temple.

7. Considering the above said facts, the order impugned in the writ petition is set aside and the first respondent herein is directed to consider the representation of the petitioner, dated 11.10.2023, and pass orders after receiving opinion from the second respondent as well as from the Joint Commissioner, Maruthamalai Temple. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above said observations, this Writ Petition stands allowed.
There shall be no order as to costs.

20.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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