



WP(MD)No.28562 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 01.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE **B. PUGALENDHI**

**WP (MD)No.28562 of 2023 and
WMP (MD)No.24617 of 2023**

R.Ramakrishnan

... Petitioner

Vs

- 1.The Commissioner,
Hindu Religious and
Charitable Endowments Board,
Chennai.
- 2.The Joint Commissioner,
Hindu Religious and
Charitable Endowments Board Pudukottai,
Tanjavur District.
- 3.The Assistant Commissioner,
Hindu Religious and
Charitable Endowments Board Pudukottai,
Pudukottai District.
- 4.The Executive Officer,
Arulmigu Manonmaniamman Temple,
South 2nd street,
Pudukottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorari calling for the records pertaining to the impugned proceedings in Se.Mu.Na.Ka.No.5162/2021/A3, dated 14.06.2022 passed by the 2nd respondent and the consequential proceedings dated 16.10.2023 of the



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fourth respondent in Letter No.52/2023 and quash the same as illegal.

For Petitioner : Mr.V.R.Shanmuganathan
For Respondent : Mr.P.Subburaj,
Nos.1 to 3 Special Govt. Pleader
For Respondent : Mr.Mathavan
No.4

ORDER

Aggrieved over the order appointing a Fit Person to Arulmigu Manonmaniamman Temple, Pudukottai this writ petition has been filed.

2.The learned Counsel for the petitioner made a mention before this Court that the Fit Person is likely to take charge today and requested to take up the matter and therefore, this writ petition is taken up at 2.15 pm for hearing.

3.The learned Counsel for the petitioner submits that under the presumption that the trustee / the petitioner has sold the Kattalai property of the temple, the respondents have passed an order appointing the fit person to Aulmigu Manonmaniamman



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temple. The learned Counsel further submits that the property sold by one of the trustees is their family property and not the Kattalai property of the temple. If an opportunity had been provided to the petitioner, he would have explained before the Joint Commissioner that he has not sold the Kattalai property and therefore, requests this Court to provide an opportunity to the petitioner to establish his case that he has not committed any mistake in the administration of the temple.

4.The learned Special Government Pleader, who takes notice for respondents 1 to 3 submits that this writ petition is filed challenging the charge memo issued to this petitioner trustee on 14.06.2022 along with the order of appointment of fit person dated 16.10.2023. If at all this Court feels that the petitioner has not been provided with an opportunity of hearing while appointing the fit person, this Court may dispose of the writ petition by issuing direction only with regard to the appointment of fit person alone.



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5.Considering the rival submissions made on either side, this Court sets aside the order dated 16.10.2023 in letter No.52/2023 on the ground of violation of principles of natural justice, enabling the petitioner to submit his explanation on or before 29.12.2023 and the 2nd Joint Commissioner shall consider the explanation of the petitioner and pass suitable orders in accordance with law within a period of two weeks therefrom. With regard to the charge memo is concerned, the petitioner is at liberty to submit his explanation to the authorities concerned within a period of two weeks from the date of receipt of a copy of this order and the 2nd respondent / the Joint Commissioner shall consider the same and take a decision in accordance with law.

This writ petition is disposed of in the above terms. No costs. Consequently connected miscellaneous petition is closed.

01.12.2023

Internet : Yes / No

DSK

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To

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B. PUGALENDHI , J .

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