



WEB COPY



WP.No.5076 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2024

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

WP.No.5076 of 2021
and W.M.P.No.5651 of 2021

S.Sampath

.. Petitioner

Versus

1.The Commissioner
HR & CE Administration Department
Uthamar Gandhi Road, Nungambakkam
Chennai – 600 034

2. The Executive Officer/Joint Commissioner
A/M. Aranganthaswamy Thirukoil
Srirangam, Tricity – 6

3.The Additional Chief Secretary
Tourism, Culture and Religious Endowments Department
Fort St.George, Chennai – 600 009

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the 3rd respondent in proceedings Letter (Pa) No.17 dated 05.02.2020 and quash the same.

For Petitioner : Mr.R.Raman Laal

For Respondents : Mr.S.Ravichandran for R1 & R3
Additional Government Pleader
Mr.R.Baranidaran for R2



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ORDER

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2. The case of the petitioner is that the petitioner is employed as Arayar in the second respondent temple. During the year 2009, the second respondent had called for public auction to collect usufructs from the coconut garden of Hyderabad Krishnamachari Trust, auction was held and the petitioner was a successful bidder right to collect was given to the petitioner. However, the petitioner is alleged to have removed the trees worth about Rs.11 lakhs, thereby, the second respondent made a police complaint in FIR in Cr.No.484 of 2011, the petitioner filed anticipatory bail petition in CrI.O.P.(MD).No.4616 of 2011 and the petition was allowed with a condition that Rs.30000 to be deposited in Cr.No.484 if 2011 on the file of learned Judicial Magistrate No.III, Trichy and subsequently, the second respondent passed an order demanding Rs.1 lakh vide order dated 04.04.2011. Against which, a writ petition in W.P.(MD).No.53678 of 2011 before the Madurai Bench of this Court. The said petition was disposed of on 22.01.2014 granting liberty to the petitioner to file appeal before the appropriate authority. In the meanwhile, the



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law enforcing agency filed chargesheet on the file of the learned Judicial Magistrate No.III, Trichy in C.C.No.108 of 2015. The petitioner filed an appeal under Section 21 of the HR & CE Act in RC.No.33043/2015 D2 before the first respondent which was dismissed on 05.02.2020. Hence, the present writ petition is filed.

3. The learned counsel for the respondents submitted that the petitioner was employed as Arayar and he was instructed for public auction for removal of trees, however, instead of public auction, he removed tress and thereby the original authority directed the petitioner to pay a sum of Rs.1 lakh as compensation. On appeal, the first respondent also directed the petitioner to pay such compensation. The petitioner had already deposited a sum of Rs.30,000/- to the credit of 484 of 2011, except Rs.30,000/- no amount was paid and the subsequent order by the first respondent confirming the order of the original authority cannot be interfered with. Hence, opposed the writ petition.

4. Heard both sides and perused the materials placed on record.



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5. Admittedly, the facts of the present case are not in dispute. The instruction was given to the petitioner to collect the usufructs from the coconut garden of Hyderabad Krishnamachari Trust, however, instead of auctioning, the petitioner has removed the trees worth about 11 lakhs, however, the second respondent has passed the order demanding a sum of Rs.1 lakh as compensation and the same is upheld by the first respondent. This Court is of the view that such order cannot be interfered with. The facts remains that already the petitioner had deposited a sum of Rs.30,000/- in terms of the order passed by the Madurai Bench of this Court in Crl.O.P.(MD).No.4616 of 2011. Such view of the matter, the petitioner is directed to pay the balance Rs.70,000/- within a period of four weeks. On receipt of such payment, the respondents are directed to close the file as against the petitioner.

6. Accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition stands closed.

23.09.2024

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Index: Yes/No
Internet: Yes/No



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