



WP.No.31317 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2024

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

WP.No.31317 of 2016 &

WMP.No.27168 of 2016

E.Gopal

Hereditary Trustee of A/m/Chendrayaperumal Temple,
situated at Swaminayakanpatti Village,
Omalur Taluk, Salem District
Residing at Swaminayakanpatti Village,
Omalur Taluk, Salem District.

.. Petitioner

Versus

1. The Commissioner,
H.R.& C.E. [Admin] Department,
Nungambakkam High Road,
Chennai – 600 034.

2. The Joint Commissioner,
H.R. & C.E. [Admin] Department,
Salem.

3. The Executive Officer/Fit Person,
A/m.Prasanna Venkatramanasamy Temple,
Karuvalli, Chinna Thirupati,
Omalur, Salem District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorari calling for the records relating to the

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impugned Order of the Commissioner, HR & CE, Chennai, issued in R.P.No. 175/2016 D2 dated 19.08.2016 and quash the same as illegal.

For Petitioner : Mr.M.Rukmangathan

For Respondents : Mr.N.R.R.Arun Natarajan
Special Government Pleader – R1 & R2

Mr.E.Ganesh – R3

ORDER

This writ petition is filed to quash the proceedings of the first respondent in R.P.No.175/2016 D2 dated 19.08.2016 as illegal.

2. The case of the petitioner is that the petitioner was holding office as Hereditary Trustee in A/m.Chendrayaperumal Temple situated at Swaminayakanpatti Village, Omalur Taluk, Salem District along with two others and had obtained the statutory declaration in O.A.No.114 of 1972 dated 13.09.1973. While so, the second respondent framed certain charges against the petitioner and also placed him under suspension and the third respondent has been appointed as a fit person. Hence, the petitioner filed a revision petition challenging the appointment of fit person and Order of suspension of the petitioner on the basis of the judgment of the Division Bench of this Court



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in 2016 [1] CTC 9. As per the judgment of the Division Bench of this court, the person next in line of succession along is entitled to be appointed as fit person and not an Executive Officer or Inspector of the Department and the said view of the Division Bench will also apply to Kattalai Trustees and other trustees of a religious institution. Hence, the impugned Order is exfacie illegal, error apparent on the face of the record and is liable to be quashed.

3. Heard the learned counsel appearing for the petitioner and the learned counsel for the respondents and perused entire materials available on record.

4. A perusal of records it is seen that the petitioner was charged for mismanagement of the trust properties. It is further seen that the Order of suspension has been stayed by an Order of this Court dated 08.09.2016 and he is successfully continuing as a Hereditary Trustee. The learned counsel for the petitioner also submitted it is suffice that the inquiry initiated against the petitioner may be directed to be concluded within the time frame fixed by this Court.

5. In the facts and circumstances of this case, the first respondent is directed to conclude the enquiry initiated against the petitioner under section 53



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[3] of the Act 22 of 1959 within a period of 12 weeks from the date of receipt

of a copy of this Order.

6. Accordingly, this Writ Petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

24.10.2024

vrc

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

To

1. The Commissioner,
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Chennai – 600 034.
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M.DHANDAPANI, J.

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