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W.P.No.11346 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.11346 of 2024

S.Velusamy

...Petitioner

Vs.

1.The Commissioner
Hindu Religious & Charitable
Endowment Department
No.119, Uttamar Gandhi road
Nungambakkam, Chennai-600 034

2.The Assistant Commissioner
Hindu Religious & Charitable
Endowment Department
Perumal Koil Campus
Tiruppur-641 604

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to furnish the certified copy of the report/order passed in Na.Ka.No.725/2023/A4 dated 14.12.2023 on the file of the Assistant Commissioner, HR&CE Department, Tiruppur, in compliance with the order passed by this Court dated 20.07.2023 made in W.P.No.5809/2023 and CrI.M.P.No.17973/2022 in CrI.R.C.No.1223/2022.



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For Petitioner : Mr.P.Duraisamy
For Respondents : Mr.K.Karthikeyan, Govt.Advocate
for HR&CE

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. This Writ Petition has been filed seeking a direction to the 2nd respondent to furnish the certified copy of the report/order passed in Na.Ka.No.725/2023/A4 dated 14.12.2023 on the file of the Assistant Commissioner, HR&CE Department, Tiruppur, in compliance with the order passed by this Court dated 20.07.2023 made in W.P.No.5809/2023 and CrI.M.P.No.17973/2022 in CrI.R.C.No.1223/2022.

3. The case of the petitioner is that on an earlier occasion petitioner filed W.P.No.5809 of 2023, CrI.M.P.No.17973/2022 in CrI.R.C.No.1223/2022 and this Court by a common order dated 20.07.2023 directed the 2nd respondent to conduct enquiry in respect of illegally cutting down the trees of the temple and pass order and initiate appropriate action against the persons involved in the criminal acts. In



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response to the above order, enquiry was conducted by the 2nd respondent in proceeding in Na.Ka.No.725/2023/A4 and the order was passed on 14.12.2023 and till date the petitioner was not served with a copy of the order. The petitioner sent an application to the 2nd respondent on 20.03.2024 seeking a certified copy of the enquiry report order dated 14.12.2023. The same was not issued by the Assistant Commissioner, HR&CE Department, Tiruppur stating that the High Court has not issued any such direction. The petitioner sent an email dated 20.03.2024 to the 1st respondent and there was no response from the 1st respondent. The copy application sent to the 2nd respondent was received by the 2nd respondent on 22.03.2024. Hence, the present Writ Petition.

4. Heard Mr.S.Duraiswamy, learned counsel appearing for the the petitioner and Mr.K.Karthikeyan, learned Government Advocate, appearing for the respondents HR&CE.

5. It is seen from the report submitted by the learned Government Advocate dated 20.11.2023 that the 1st respondent has already completed the enquiry and he has given a copy of the order to the Joint



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Commissioner to pass appropriate orders which is not correct. This Court directed the 2nd respondent herein who was the 3rd respondent in the CrI.M.P.No.17973/2022 to conduct an enquiry and shall take appropriate action. The operative portion of the order reads as under:

“7.

.....

(iii) The third respondent is directed to conduct an enquiry and shall take appropriate action against the respondents 4 to 15 in accordance with law with regard to the entire episode of cutting the trees and based on the outcome of enquiry shall pass such further or other orders regarding their continuance of respondents 7,8 and 13 in the management of the temple and the third respondent shall also be entitled to forward compliant, if any, to the Law Enforcement Agencies based on the outcome of their enquiry.

(iv) In the places of the trees which are now removed, the third respondent shall ensure planting of new saplings of Banyan tree, Peepal tree and Neem tree within the premises of the temple in the same place from where the old trees were uprooted or at such other convenient places and the same shall be duly maintained.”

6. The petitioner has sought only a direction to the 2nd respondent



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to furnish the certified copy of the report/order passed in Na.Ka.No.725/2023/A4 dated 14.12.2023 by the Assistant Commissioner, Hindu Religious & Charitable Endowment Department, Tiruppur in compliance with the order passed by this Court in W.P.No.5809 of 2023 and Crl.M.P.No.17973/2022 in Crl.R.C.No.1223/2022 dated 20.07.2023, as the enquiry has already been completed and order has been passed by the 2nd respondent, the petitioner is entitled for a copy of the same and therefore, this Court directs the 2nd respondent to furnish a certified copy of the order passed in Na.Ka.No.725/2023/A4 dated 14.12.2023 to the petitioner within a period of four weeks.

Accordingly, with the above observation, the Writ Petition is disposed of . There shall be no order as to costs.

30.04.2024

Index: Yes/No
Speaking order/Non-speaking order
kpr

V.BHAVANI SUBBAROYAN,J.

kpr



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