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W.P.No.12373 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2024

CORAM:

THE HON'BLE Mr. JUSTICE M. DHANDAPANI

W.P.No.12373 of 2024
and W.M.P.Nos.13493 & 13495 of 2024

S.Sakthivasan

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
No,119, Uthamar Gandhi Salai,
Nungambakkam, Chennai – 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
No.127, Yadava Street,
Gopal Nagar, Padi, Chennai-600050.

3.S.Mohan ... Respondents

Prayer: This Writ petition has been filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorari Mandamus to quash the proceedings in Sa.Mu.Nada.Na.Ka.No/1370/2024/A1 dated 13.04.2024 issued by the 2nd respondent and consequently direct the 1st and 2nd respondent to reinstate the petitioner as a hereditary trustee of the “Arulmigu Sri Muthumariamman Kovil” situated at Ambattur OT, Venkatapuram, Ambattur Chennai-600 053.

For Petitioner	:	Mr.R.Venkatesh
For R1 & R2	:	Mr.K.Karthikeyan
		Government Advocate, HR&CE Dept.,
For R3	:	Mr.M.Maharaja



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ORDER

This Writ Petition is filed by the petitioner seeking quashment of

the proceedings of the 2nd respondent in
Sa.Mu.Nada.Na.Ka.No/1370/2024/A1 dated 13.04.2024.

2. The brief facts of the case as per the affidavit enclosed to this Writ Petition, are that the petitioner is the hereditary trustee of the temple namely “ Arulmigu Sri Muthumariamman Kovil” situated at Ambattur OT, Venkatapuram, Ambattur, Chennai-600 053. On 14.08.2023, the third respondent tried to trespass into the temple premises, for which the petitioner lodged a complaint before the Inspector of Police, Ambattur. The third respondent and his associates gave an undertaking before the Inspector of Police, Ambattur stating that they will do only Paal Abishegam and Annathanam and will not ask for any further things. While that being so, the third respondent namely Mr.S.Mohan filed a W.P.No.3322 of 2024 against the first and second respondent before this Court which was dismissed as withdrawn on 16.02.2024. Again on 04.03.2024, the third respondent addressed a letter seeking permission to perform Chithirai Thiruvizha. Thereafter, the petitioner made a representation dated 25.03.2024 before the first respondent. It is alleged that instead of taking action against the third respondent, the second



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respondent passed the impugned order dated 13.04.2024 in Sa.Mu.Na.Ka.1373/2024/A1 suspending the petitioner from hereditary trustee without any notice. Hence, the present Writ Petition.

3. Learned counsel for the petitioner has submitted that the second respondent has without issuing any show cause notice to the petitioner and without application of mind, passed the impugned order dated 13.04.2024 in Sa.Mu.Na.Ka.1373/2024/A1 suspending the petitioner from hereditary trustee in violation of the principles of natural justice and the same is liable to be quashed. He further submitted that the second respondent has no jurisdiction to pass the impugned order. Hence, the learned counsel for the petitioner prays for suitable relief.

4. Learned Government Advocate, appearing for the Hindu Religious and Charitable Endowments Department has fairly submitted that the Joint Commissioner will conduct enquiry with regard to issue pertaining to jurisdiction and if the Joint Commissioner has no jurisdiction, he will withdraw the suspension order and the competent authority who has the jurisdiction shall proceed with the matter in accordance with law.



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5. Heard both sides and perused the records.

6. Considering the rival submissions made by both sides, this Court is inclined to issue direction to the Joint Commissioner, the Hindu Religious and Charitable Endowments Department, to conduct an enquiry with regard to the issue of jurisdiction and in the event of the Joint Commissioner having no jurisdiction, he shall withdraw the impugned order and handover the matter to the competent authority to proceed with the matter in accordance with law.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Index: Yes/No

Neutral Citation: Yes/No

To

1.The Commissioner,



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Hindu Religious and Charitable Endowments,
Nungambakkam,
Chennai – 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Coimbatore.

3.Arulmigu Chenni Aandavar Temple,
Viralikadu, Karumathampatty Post,
Coimbatore.

M.DHANDAPANI J.



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