IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.08.2024

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.21802 of 2024

S.Rajagopal … Petitioner

Vs.

1. The Commissioner
HR & CE Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai-34.

2. The Joint Commissioner,
HR & CE Department,
Salem-636 001.

3. Sri Arulmigu Sidheswaran Temple,
Rep. By its Hereditary Trustee/Executive Officer,
Palamalai Village,
Mettur Taluk, Salem District.

4. P.Ponnusamy … Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the first respondent to dispose of the appeal in A.No.26/2021/D1 dated 19.01.2021 filed under Section 53(5)(ii) of the HR & CE Act.

For Petitioner : Mr.R.Rajarajan

For Respondents : Mr.K.Karthikeyan
GA (HR & CE) RR1 to 3

ORDER

This Writ Petition has been filed seeking a direction to the first respondent to dispose of the appeal in A.No.26/2021/D1 dated 19.01.2021 filed under Section 53(5)(ii) of the HR & CE Act.

2. The case of the petitioner is that the 3rd respondent is the temple, which is under the control of HR & CE Department. The petitioner's ancestors were the hereditary poojaries. Earlier, the family member of the petitioner approached the Joint Commissioner, Coimbatore in O.A.No.9/1951 and OA.No.117/1951 to declare themselves as the hereditary trustee which was also allowed in favour of the petitioner's family. The father of the 4th respondent Perumal Gounder himself was guilty of misappropriation by appropriating the jewel belonging to the deity for which the action was taken against him under Section 56 of the HR & CE Act and passed adverse order against him. Such being the situation, the 4th respondent and his family members continuously cause disturbances in the management and administration of the temple and they were also guilty of misappropriation of the temple Hundial and collection and the 4th respondent herein had illegally

taken away the Hundial from 21.09.2007 to 28.09.2007. Even after the direction by the HR & CE authorities to return the Hundial the 4th respondent deliberately failed to return the same. Therefore, the 4th respondent was suspended and charges framed against him in proceeding No.1561/2016/E1 dated 05.02.2020. The second respondent after finding that the 4th respondent is guilty of theft of the temple articles ought to have removed him instead of suspending him. The petitioner aggrieved against the imposition of lenient punishment of suspension filed appeal before the first respondent in the year 2021 and the same is pending. Hence, the petitioner has filed the present petition before this Court seeking appropriate remedy.

3. The learned counsel for the petitioner submitted that this Court may issue a direction to the second respondent to consider and pass orders on the appeal filed by the petitioner within the time frame as fixed by this Court.

4. The learned Government Advocate submitted that the appropriate orders will be passed on the appeal in accordance with law.

5. Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader appearing for the respondents and perused

the materials available on record. Since no adverse order is passed against the 4th respondent, notice to the 4th respondent is disposed with.

6. Considering the facts and circumstances of the case and in view of the limited request sought for by the petitioner, this Court directs the first respondent to consider and pass orders on the appeal filed by the petitioner after providing opportunity to the parties on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs.

05.08.2024

rli

To

1. The Commissioner

HR & CE Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai-34.

2. The Joint Commissioner,
HR & CE Department,
Salem-636 001.

M.DHANDAPANI,J.

Rli

W.P.No.21802 of 2024

05.08.2024