



W.P.No.26486 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.26486 of 2024

R.Sivakumar

... Petitioner

Vs.

- 1.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Coimbatore.
- 2.The Fit Person
A/m.DhamalingeeswaraSwamy Temple
Madukkarai,
Marapalam.
- 3.The Executive Officer,
A/m.DhamalingeeswaraSwamy Temple
Madukkarai,
Marapalam.
- 4.R.Balasubramaniam

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 herein to initiate appropriate action against the fourth respondent herein by considering petitioner's representation dated 23.03.2024.



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For Petitioner : Mr.T.S.Vijaya Raghavan

For Respondents : Mr.NRR.Arun Natarajan for R1 to R3
Special Government Pleader (HR&CE)

O R D E R

Mr.NRR.Arun Natarajan, learned Special Government Pleader (HR&CE) takes notice on behalf of the respondents 1 to 3. Since this Court is not inclined to pass any adverse order as against the fourth respondent, notice to the fourth respondent is dispensed with. By consent, the writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents 1 to 3 to initiate appropriate action against the fourth respondent by considering the petitioner's representation dated 23.03.2024.

3.The learned counsel appearing for the petitioner submitted that the petitioner is the devotee of Aulmigu Dhamalingeeswara Swamy Temple, Madukkarai, and as such the petitioner is interested in the affairs of the Temple as contemplated under Section 6(15) of



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the Tamil Nadu Hindu Religious and Charitable Endowments Administration Act, 1959. The fourth respondent is the present Priest of the Temple and is known to have behaved with the women devotees in an inappropriate manner making obscene gestures against them. The fourth respondent is 66 years old and his continuance in the employment is in violation of Rule 31 of the Tamil Nadu Hindu Religious Institutions Employees (Condition of Service) Rules, 2020 and hence, the petitioner made representation dated 23.03.2024 to the respondents, however, the same has not yet been considered.

4.The learned counsel appearing for the petitioner submitted that without going into the merits of the case, this Court may issue direction to the third respondent to consider the petitioner's representation dated 23.03.2024 and to pass appropriate orders, within a reasonable time frame.

5.The learned Special Government Pleader (HR&CE) appearing for the respondents 1 to 3 already a criminal complaint has been lodged against the fourth respondent and based on the same and by considering the petitioner's representation, the third respondent is



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going to initiate disciplinary proceedings against the fourth respondent and the same will be concluded after providing opportunity to the fourth respondent.

6.Considering the limited request made by the learned counsel appearing for the petitioner and in view of the submission made by the learned Special Government Pleader (HR&CE) appearing for the respondents 1 to 3, this Court, without expressing any opinion on the merits of the case, directs the third respondent to consider the petitioner's representation dated 23.03.2024, on merits and in accordance with law and conclude the disciplinary proceedings to be initiated against the fourth respondent after providing opportunity to the petitioner and the fourth respondent and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order.

7.This writ petition is accordingly disposed of. No costs.

11.09.2024

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

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To

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M.DHANDAPANI,J.
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