



WP No.28551 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.28551 of 2022

N.C.Sridhar

: Petitioner

versus

- 1.State of Tamil Nadu,
rep. By its Principal Secretary,
Tourism, Culture & Religious Endowments Department,
Secretariat, Chennai 600009
- 2.The Commissioner,
Hindu Religious and Charitable Endowments
119, Uthamar Gandhi Road, Chennai 600034
- 3.The Thakkar,
Arulmighu Adikesava Perumal & Peyyazhvaar Temple,
Mylapore, Chennai 4
- 4.R.Kannan
Joint Commissioner (Administration)
inquiry Officer, Hindu Religious and Charitable Endowments
Chennai 600034 : Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records connected with the Government Order issued in G.O.Ms.No.194, Tourism, Culture, Religious Endowments Department, dated 08.08.2022 on the file of 1st respondent and quash the same as illegal, unconstitutional and arbitrary.



WP No.28551 of 2022

For the Petitioner

: Mr.Sathish Parasaran,
Senior Counsel,
for M/s.P.S.Sampath Kumar

For Respondents

: Mr.P.S.Raman,
Advocate-General,
assisted by
Mr.N.R.R.Arun Natarajan, Spl.G.P., H.R.&C.E.

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.Sathish Parasaran, learned Senior Counsel for the petitioner and Mr.P.S.Raman, learned Advocate-General, for the respondents.

2. The petitioner is challenging the Government Order in G.O.Ms.No.194, Tourism, Culture, Religious Endowments Department, dated 08.08.2022. Under the said Government Order, the petitioner, along with four other trustees, was dismissed, pursuant to an inquiry.

3. Amongst other submissions, one of the submissions of learned Senior Counsel for the petitioner is that the other four trustees had challenged the said government order viz., G.O.Ms.No.194, removing them as trustees, by filing writ petition bearing No.25247/2022. The



WP No.28551 of 2022

learned Single Judge under order dated 20.09.2022, allowed the writ petition, thereby setting aside the impugned order to remove them as trustees.

3. The learned Advocate-General submits that as far as the petitioner is concerned, charges are grave and the findings are also serious in nature.

4. It is under the common order, the petitioner and four other trustees were removed. Learned Single Judge of this Court, under order dated 20.09.2022 in WP No.25247/2022, filed by the other four trustees, has set aside the order of removal, on the ground of non-adherence of the principles of natural justice. He directed the first respondent therein to serve a copy of the inquiry report dated 01.02.2022, to the petitioners therein, and issue notice to them, inviting them for inquiry and give them adequate and fair opportunity to submit their objections to the inquiry report or any adverse material that may be relied upon by the first respondent. The final order was directed to be passed keeping in mind the requirement of Section 53(3) of the Tamil Nadu Hindu Religious and Charitable Endowments



WP No.28551 of 2022

Act, 1959.

WEB COPY

5. In view of that, the petitioner herein shall be served with a copy of the inquiry report and the second show-cause notice. The petitioner may reply to the said inquiry report as well as the charges levelled against him. The petitioner shall reply within a period of four weeks from the date of receipt of the inquiry report and the charges. The respondents shall thereafter consider the reply given by the petitioner and take a fresh decision. The petitioner may raise all the defences available to him, which would certainly be considered by the respondents, on its own merits.

6. The writ petition stands disposed of. There shall be no order as to costs. Consequently, WMP Nos.27860, 27861 of 2022 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

30.01.2024

Index : Yes/No
Neutral Citation : Yes/No
tar



WP No.28551 of 2022

To

WEB COPY

- 1.The Principal Secretary,
Tourism, Culture & Religious Endowments Department,
Secretariat, Chennai 600009
- 2.The Commissioner,
Hindu Religious and Charitable Endowments
119, Uthamar Gandhi Road, Chennai 600034
- 3.The Thakkar,
Arulmighu Adikesava Perumal & Peyyazhvaar Temple,
Mylapore, Chennai 4
- 4.The Joint Commissioner (Administration)
inquiry Officer, Hindu Religious and Charitable Endowments
Chennai 600034



WEB COPY



WP No.28551 of 2022

THE HON'BLE CHIEF JUSTICE
AND

D.BHARATHA CHAKRAVARTHY, J.

(tar)

WP No.28551 of 2022

30.01.2024