



W.P.(MD).No.5185 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2024

CORAM

THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

W.P.(MD).No.5185 of 2024

and

W.M.P.(MD).No.4971 of 2024

M.Kannan

... Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Chennai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Sivagangai District.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
No.21, Vellaikannu Maligai,
Maduraiyar Street, DD Vinayagar School Near,
Velipattinam, Ramanathapuram District.
- 4.The Inspector,
Hindu Religious and Charitable
Endowment Department,
Aranmanai,
Ramanathapuram District.
- 5.Dharmar



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6.Vinoth

7.Karuppaiah

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 4 to conduct the proper enquiry for the misappropriation committed by the respondent Nos.5 to 7 and to appoint the fit person/Executive Officer for the Arulmigu Sri Uthiramudaiya Ayyanar Temple, Sri Bhagavathi Amman Temple at Athiyuthu, Ramanathapuram Taluk, Ramanathapuram District, on the basis of the petitioner's representation dated 23.02.2024.

For Petitioner	: Mr.G.Hariharan
For R-1 to R-4	: Mr.K.S.Selvaganesan Additional Government Pleader
For R-5 to R-7	: Mr.D.Balamurugapandi

ORDER

The present Writ Petition is filed for Mandamus directing the respondents 1 to 4 to conduct enquiry of alleged misappropriation committed by the respondents 5 to 7 and to appoint a fit person/Executive Officer for Arulmigu Sri Uthiramudaiya Ayyanar Temple, Sri Bhagavathi Amman Temple at Athiyuthu, Ramanathapuram Taluk, Ramanathapuram District on the basis of the petitioner's representation dated 23.02.2024.



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2. It was submitted by the learned counsel for the petitioner that the petitioner is one of the poosaris in Arulmigu Sri Uthiramudaiya Ayyanar Temple, Sri Bhagavathi Amman Temple at Athiyuthu, Ramanathapuram Taluk, Ramanathapuram District and the said temple is under the control of the Hindu Religious and Charitable Endowments Department. While so, respondents 5 to 7 are acting as President, Secretary and Treasurer without being appointed and without informing the officials of the Department. The said respondents are issuing receipts for gifts, marriage and ear piercing and misappropriating the money so collected against receipts in the name of the subject temple. The petitioner alleges that the respondents 5 to 7 without informing the official respondents had sold 280 grams of gold apart from livestock belonging to the temple. Hence, the petitioner submitted a representation dated 23.02.2024 to the respondents 1 to 4 requesting to conduct an enquiry against the alleged misappropriation committed by the respondents 5 to 7 and to appoint a fit person/Executive Officer for the said temple. Since the said representation was not considered, this Writ Petition has been filed.

3. It was submitted by the learned Additional Government Pleader appearing for the respondents 1 to 4 that the petitioner's representation was considered and enquiry proceedings have already been initiated. It was further



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submitted that enquiry would be concluded and orders would be passed in accordance with law within a period of four (4) weeks, which was agreed to by the learned counsel for the petitioner.

4. Recording the above submissions, this Writ Petition is disposed of with a direction to the official respondents to conclude the enquiry proceedings and pass appropriate orders on merits and in accordance with law, after giving a reasonable opportunity of hearing to the petitioner and other interested parties/stake holders, within a period of four (4) weeks from the date of receipt of a copy of this order. All the parties concerned shall co-operate with the enquiry proceedings without seeking any adjournments. It is made clear that this Court has not expressed any views with regard to the merits of the case and it is open to the concerned respondent to pass orders on its own merits and in accordance with law. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

21.08.2024

Index : Yes / No
Internet : Yes/ No
Lm



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MOHAMMED SHAFFIQ, J.

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