



W.P(MD)No.7423 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.7423 of 2024 and
WMP(MD) No.6837 of 2024

Chellamuthu.K

... Petitioner

Vs

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam High Road,
Chennai - 34.

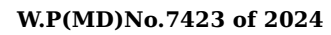
2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Thanjavur District.

3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Pudukkottai District.

4.Periyasamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to pass the final order in his proceedings in



For Petitioner : Mr.K.Balasundaram
Senior Counsel for
M/s.KBS Law Office.

For R1 to R3 : Mr.P.Subba Raj
Special Government Pleader

The petitioner with a grievance that the Joint Commissioner, HR & CE Department/the second respondent has not taken any steps on the complaint of the Assistant Commissioner, HR & CE Department, has filed this writ petition, seeking for a Mandamus, directing the second respondent to pass final order in the proceedings initiated by him in Na.Ka.No.1107/2023/A3 dated 14.02.2023.



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2.The case of the petitioner is that one Periyasamy/the fourth respondent herein is the hereditary trustee of Arulmigu Chelliamman @ Mariamman Temple situated at Sudalaivayal Revenue Village, Manamelgudi Taluk, Pudukkottai District and he has misappropriated the temple land and has also transferred the land of the temple in S.No.16/4 of Sudalaivayal Village, Manamelkudi Taluk to a third party. Being a devotee of the temple, the petitioner has given a complaint as against the fourth respondent, based on which, the Commissioner/the first respondent has directed the Joint Commissioner/the second respondent to take steps by his proceedings dated 17.09.2022. In pursuant to the same, an enquiry has been conducted by the Assistant Commissioner and a report has been submitted to the Joint Commissioner for further action. The Joint Commissioner has issued a notice to the fourth respondent to appear before him on 18.12.2023. Thereafter, there is no progress in the enquiry. Therefore, the petitioner has once again submitted a representation to the Commissioner on 29.02.2024 and approached this Court.



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3.Mr.P.Subbaraj, learned Special Government Pleader, who takes notice for the respondents 1 to 3 submits that a report has been obtained on the allegations levelled against the fourth respondent from the Assistant Commissioner/the third respondent. The details of the report was directed to be verified by the Special Tahildar, HR & CE Department and as and when the report is received from the Tahsildar, they would take appropriate action.

4.Considering the limited relief sought for in this writ petition, notice to the fourth respondent is dispensed with.

5.Based on the complaint given by the petitioner as against the fourth respondent, the Assistant Commissioner has conducted an enquiry and a report has been submitted to the Joint Commissioner. The Joint Commissioner / the second respondent has commenced the enquiry on 04.12.2023. However, the same has not been culminated. The respondents claim that a verification report has been called for from the Special Tahsildar of the temple and on



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receipt of the same, a decision would be taken.

6.Since the allegations as against the fourth respondent are serious in nature, the second respondent shall conclude the enquiry after providing due opportunity to the fourth respondent, as expeditiously as possible preferably within a period of eight weeks from the date of receipt of a copy of this order. The Special Tahsildar, HR & CE Department shall furnish the required details as expeditiously as possible enabling the second respondent to conclude the enquiry at the earliest. No costs. Consequently, connected Miscellaneous petition is closed.

25.03.2024

NCC: Yes/No

Index:Yes

Internet:Yes

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B.PUGALENDHI, J.

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Order made in
W.P(MD)No.7423 of 2024 and
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