



WP(MD) No.11303 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **22.05.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.11303 of 2024
and
W.M.P.(MD)No.10048 of 2024

Arulmigu Seruvalinga Ayyanar Temple,
Rep. by its Hereditary Trustee,
P.Thangaraj

... Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Sivagangai, Sivagangai District.

2.The Assistant Commissioner (Additional Charge),
Hindu Religious and Charitable Endowment Department,
Sivagangai, Sivagangai District.

3.V.Kasi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 2nd respondent in Na.Ka.No.3202/2023/A4, dated 15.05.2024 and quash the same.

For Petitioner : Mr.M.Saravanan

For R1 &R2 : Mr.C.Baskaran, Government Advocate

For R3 : Mrs.J.Padmavathi Devi



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ORDER

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The order of the 2nd respondent dated 15.05.2024, forbearing the petitioner from collecting donation for the festival of the petition mentioned temple, is under challenge in this Writ Petition.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. Heard Mr.M.Saravanan, learned counsel for the petitioner, Mr.C.Baskaran, learned Government Advocate for the respondents 1 and 2 and Mrs.J.Padmavathi Devi, learned counsel for the 3rd respondent.

4. The learned Counsel for the third respondent submits that based on the allegations levelled against the petitioner as well as three other trustees, charges have been framed on 04.03.2024 by the Joint Commissioner /first respondent and the enquiry is pending. In such circumstances, the petitioner cannot be allowed to collect donations in the capacity of trustee. Hence, the third respondent opposes this writ petition.



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5. The learned Government Advocate appearing for the first and second respondents also submits that the proceedings initiated against the petitioner including three other persons is pending for enquiry.

6. It is borne out from the materials placed on record that the petitioner is facing enquiry regarding misappropriation of the temple fund. In such circumstances, this Court is of the view that when the proceedings initiated against the petitioner is pending, the petitioner has to face the enquiry. Instead, the petitioner is before this Court to allow him to collect donations for the temple festival. Hence, the petitioner is not entitled to the relief sought for in this writ petition.

7. At this juncture, the learned counsel for the petitioner submits that the petitioner would be satisfied if the petitioner is permitted to submit a representation before the first respondent and the same is directed to be considered.

8. Considering the said submission, the writ petition is **disposed of** directing the petitioner to submit a representation before the first respondent forthwith, who in turn shall consider the same on its own merits and pass



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appropriate orders in accordance with law as early as possible. No costs.

Consequently, connected miscellaneous petition is closed.

22.05.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

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To

- 1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Sivagangai, Sivagangai District.
- 2.The Assistant Commissioner (Additional Charge),
Hindu Religious and Charitable Endowment Department,
Sivagangai, Sivagangai District.



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R.N.MANJULA, J.

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Order made in
W.P.(MD)No.11303 of 2024

22.05.2024