



W.P.(MD) No.13910 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.13910 of 2024

Swethark Gurukal.S

... Petitioner

/vs./

1.The Joint Commissioner,
Hindu Religious & Charitable Endowments Department,
Sivagangai District.

2.The Fit Person/Assistant Commissioner,
Hindu Religious & Charitable Endowments Department,
Five Corner Road,
Paramakudi Town, Ramanathapuram,
Ramanathapuram District.

3.The Executive Officer,
Arulmigu Koopudaiya Nayaki Amman Temple,
Karaikudi,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to conduct enquiry by appointing an officer not less than the rank of Assistant Commissioner, Hindu Religious and Charitable Endowments Department pursuant to the show



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cause notice dated 21.05.2024 and 22.06.2024 issued by the 3rd respondent based upon the complaint given by the writ petitioner herein and to take appropriate action against the persons who are all involved in the occurrence within the time stipulated by this Court.

For Petitioner : Mr.Mr.G.D.Manikandan

For R1 & R2 : Mr.P.Subbaraj
Special Government Pleader

For R3 : Mr.R.Shankar Ganesh
Standing Counsel

ORDER

The petitioner has filed this writ petition for a Writ of Mandamus to direct the respondents to conduct an enquiry by appointing an Officer not less than the rank of Assistant Commissioner, Hindu Religious and Charitable Endowments Department pursuant to the show cause notices dated 21.05.2024 and 22.06.2024 issued by the third respondent based upon the complaint given by the petitioner and to take appropriate action against the persons, who are all involved in the occurrence.



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2.The case of the petitioner is that the petitioner is one of the Gurukkal of the third respondent temple. The other three are Sundaresan Gurukkal and two of the delinquents in the aforesaid show cause notice, namely Chandrasekaran @ Srikanth Gurukkal and Jai Sankar Kurukkal.

3.It is submitted that the said Chandrasekaran @ Srikanth Gurukkal had committed theft on 13.05.2024 and a complaint was given by the petitioner on 20.05.2024, pursuant to which proceedings have been initiated against the said Chandrasekaran @ Srikanth Gurukkal and Jai Sankar Kurukkal. It is submitted that the third respondent is biased and is under the influence of the delinquent and therefore, an enquiry is not expected to be a fair enquiry.

4.That apart, it is submitted that the duo had also removed some jewelleryes without the signature of the other two Gurukkals, namely Sundaresan Gurukkal and the petitioner herein. It is therefore submitted that the case be transferred to Senior Officer from the HR and CE Department such as Assistant Commissioner.



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5.The learned counsel for the third respondent on the other hand would submit that the enquiry was posted on 23.06.2024. However, the petitioner took time and has thereafter filed this writ petition on 25.06.2024. It is submitted that there is no merit in this writ petition.

6.The learned Special Government Pleader would submit that the Court may at its discretion appoint a Senior Officer from the HR & CE Department to conduct the enquiry in the two show cause notices issued.

7.Having considered the submissions made by the learned counsel for the petitioner, learned Special Government Pleader for the respondents 1 and 2 and the learned Standing Counsel for the third respondent, this Court is inclined to direct the second respondent to continue with the enquiry in the two show cause notices against the two of the priest, namely Chandrasekaran @ Srikanth Gurukkal and Jai Sankar Kurukkal. The second respondent shall endeavour to complete the enquiry in the disciplinary proceeding against the duo within a period of 6 weeks from the date of receipt of a copy of this order.



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8. With the above directions, the Writ Petition stands disposed of. No costs.

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Internet : Yes / No

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C.SARAVANAN, J.

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