



W.P.(MD) Nos.28418 and 28419 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) Nos.28418 and 28419 of 2024

and

W.M.P.(MD) Nos.24121 and 24122 of 2024

W.P.(MD) No.28418 of 2024:

S.Kathiresan Poojari

.. Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious & Charitable Endowment Board,
Nungambakkam, Chennai-600 034.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Sivagangai,
now bifurcated to
Madurai, Madurai District.
- 3.The Executive Officer/ Assistant Commissioner,
Arulmighu Irrukangudi Mariamman Temple,
Irrukangudi Post, Sattur Taluk,
Virudhunagar District.
- 4.The Board of Trustees,
Rep., by its Chairman,
Arulmighu Irrukangudi Mariamman Temple,



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Irrukangudi Post, Sattur Taluk,
Virudhunagar District.

- 5.S.R.M.Ramamurthi Poosari
- 6.R.Soundarrajan
- 7.S.Ramar Poosari
- 8.R.Ariram Poosari
- 9.R.Kannan
- 10.R.Maharajan
- 11.Navarathinam
- 12.M.Sivaraman Poosari
- 13.M.Jothi Ananda Ganesan Poosari
- 14.A.Ramamoorthy Poosari
- 15.A.Dharmaraj Poosari
- 16.S.Ganesan Poosari
- 17.S.Ramachandran Poosari
- 18.T.Kathiresan Poosari
- 19.T.Balasubramanian Poosari
- 20.R.Arun Poosari

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned charge memo in nr.K.e.f.No. 13/2020-2/A2 dated 30.09.2024 of the 4th respondent herein and quash the same and consequently direct the respondents 1 to 4 herein to frame charge memo against respondents Nos.8, 9 and 11 to 20 herein based on



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the order dated 26.03.2024 in R.P.No.230/2020/D2 of the 1st respondent herein and order dated 26.07.2024 in W.P.(MD) Nos.10088 and 10692 of 2024 of this Court.

W.P.(MD) No.28419 of 2024:

S.Ramar Poosari

.. Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious & Charitable Endowment Board,
Nungambakkam, Chennai-600 034.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Sivagangai,
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- 3.The Executive Officer/ Assistant Commissioner,
Arulmighu Irrukangudi Mariamman Temple,
Irrukangudi Post, Sattur Taluk,
Virudhunagar District.
- 4.The Board of Trustees,
Rep., by its Chairman,
Arulmighu Irrukangudi Mariamman Temple,
Irrukangudi Post, Sattur Taluk,
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- 5.S.R.M.Ramamurthi Poosari
- 6.R.Soundarrajan



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- 7.S.Ramar Poosari
- 8.R.Ariram Poosari
- 9.R.Kannan
- 10.R.Maharajan
- 11.Navarathinam
- 12.M.Sivaraman Poosari
- 13.M.Jothi Ananda Ganesan Poosari
- 14.A.Ramamoorthy Poosari
- 15.A.Dharmaraj Poosari
- 16.S.Ganesan Poosari
- 17.S.Ramachandran Poosari
- 18.T.Kathiresan Poosari
- 19.T.Balasubramanian Poosari
- 20.R.Arun Poosari

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned charge memo in nr.K.e.f.No.13/2020/A2 dated 30.09.2024 of the 4th respondent herein and quash the same and consequently direct the respondents 1 to 4 herein to frame charge memo against respondents Nos.8, 9 and 11 to 20 herein based on the order dated 26.03.2024 in R.P.No.50/2021/D2 of the 1st respondent herein and order dated 26.07.2024 in W.P.(MD) Nos.10088 and 10692 of 2024 of this Court.



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In both W.Ps.

For Petitioner	:	Mr.T.Pon Ramkumar
For R1 and R2	:	Mr.P.Subbaraj Special Government Pleader
For R3	:	Mr.VR.Shanmuganathan
For R4	:	Mr.N.Dilip Kumar

COMMON ORDER

The challenge in the writ petitions is to the charge memo framed against the petitioners on 30.09.2024.

2. The case of the petitioners is that originally a charge memo was framed without jurisdiction, as it was only the Board of Trustees, who could frame charge against the petitioners. In the revision petitions filed against the same, the first respondent herein while accepting the contention of the petitioners, had set aside the charges framed against the petitioners and granted liberty to the fourth respondent herein to frame fresh charge against the writ petitioners herein. A further direction was also issued to proceed against one Mr.Ariram Poosari also. Against the



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said order, the petitioners had approached this Court in W.P.(MD) Nos. 10088 and 10692 of 2024 and after hearing the respective parties, a learned Judge of this Court by order dated 26.07.2024, without entering upon the merits of the claims of each of the parties, had appointed a Senior Advocate of this Court as an Enquiry Officer to enquire into the alleged misfeasance committed by the petitioners and Ariram Poosari as also others who had indulged in similar misfeasance within the temple premise and thereafter, the Board was permitted to proceed with the disciplinary proceedings against the petitioners therein. The Enquiry Officer appointed by this Court had also taken charge and is in the process of conducting enquiry. At this juncture, the present impugned charge memo have been issued against the petitioners.

3. It is the case of the petitioners that neither the order of revision had been complied with by the fourth respondent, nor the direction issued by this Court had been complied. The petitioners had been singled out leaving out the other person, as no charges have been framed against him.



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4. However, countering his arguments, the learned counsel appearing on behalf of the fourth respondent would submit that after the remand, the fourth respondent had taken a decision to frame charges and by resolution dated 24.04.2024 had in fact framed charges against the petitioners. However, the same had been precipitated in view of the specific direction of this Court not to precipitate the matter any further. After disposal of the writ petitions, since the Enquiry Officer had to enquire into the charges that had been levelled against the petitioners by the fourth respondent, the charge memo had been issued against the petitioners. Therefore, he would submit that the claim of the petitioners is wholly unfounded. They have to submit their explanation to the charges framed and the Enquiry Officer appointed by this Court will go into the said charges and after the report from the Enquiry Officer appointed by this Court, further proceedings will be initiated by the fourth respondent.

5. The learned counsel appearing for the third respondent would submit that by order dated 26.07.2024, this Court has not precluded the



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fourth respondent from proceeding with the disciplinary proceedings.

What had been issued to the petitioners was only a charge memo based upon the decision taken by the Board to proceed against the petitioners.

6. He would also submit that an independent charge memo had been issued against the said Ariram Poosari. The said Ariram Poosari had admitted his guilt and in view of the enquiry ordered by this Court, no proceedings had been initiated against him.

7. I have considered the rival submissions made by the learned counsel on either side.

8. As stated earlier, by order dated 26.07.2024, this Court after considering the allegations made by the respective parties had appointed a Senior Advocate of this Court to conduct an enquiry, not only on the misfeasance committed by the petitioners, but another named person, into the allegations who may have indulged in similar misfeasance alleged against the petitioners. The said enquiry is still pending. In view



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of the aforesaid specific functions that had been placed on the Enquiry Officer, I am of the view that any proceedings against the petitioners or any other persons would have to await the report of the Enquiry Officer. For better appreciation of the above reasoning, the relevant paragraph of the order dated 26.07.2024 is extracted hereunder:

“14. Since the petitioners mistrust the enquiry to be held by the Enquiry Officer to be nominated by the Board of Trustees of the Temple as also by the Executive Officer, namely, the third respondent herein, after consulting and with the consent of the learned counsel for the petitioners and the respondents, this Court is inclined to appoint Mrs.N.Krishnaveni, Senior Advocate, No.4/157-G, 1st Floor, 15th Street, Lake Area Uthangudi, Madurai – 625 107 [Mobile Nos.9445873756 and 9443573756] as an Enquiry Officer. Accordingly, Mrs.N.Krishnaveni, Senior Advocate is appointed as Enquiry Officer to enquire into the alleged misfeasance committed by the petitioners herein and R.Ariram Poosari as also the others, who may have indulged in such similar misfeasance within the Temple precincts. The third respondent is directed to transmit all the evidences including the electronic



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evidences to the learned Senior Advocate / Enquiry Officer. The learned Senior Advocate / Enquiry Officer shall endeavour to complete the enquiry preferably within a period of three months and thereafter, the Board shall proceed with the disciplinary proceedings against the petitioners.”

9. It is also brought to the notice of this Court that the petitioners herein had also submitted a complaint as against other persons for which a reply had been directed to be filed by the fourth respondent and the enquiry proceedings is at that stage.

10. The learned counsel appearing for the third respondent would submit that further proceedings in the enquiry is to be taken up on 30.11.2024 and that the reply is also ready and the same will be presented before the Enquiry Officer. It is also brought to the notice of this Court that the Enquiry Officer had not completed the enquiry within the time stipulated by this Court in its order dated 26.07.2024.



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11. A perusal of the aforesaid direction issued in paragraph 14 would show that this Court had granted three months time preferably to complete the enquiry and thereafter the fourth respondent was directed to proceed further. A further direction was also issued by the Court that the petitioners therein have to cooperate with the Enquiry Officer. In view of the specific direction, there shall be a further direction to the respective parties not to unnecessarily take adjournment and cooperate with the Enquiry Officer for completion of the enquiry to enable the Enquiry Officer to file a detailed report, which shall be placed by the Enquiry Officer both with the fourth respondent as also with the second respondent for initiating appropriate further proceedings. It is also made clear that the Enquiry Officer appointed by this Court can also go into the charges that were resolved to be framed against the petitioners as expeditiously as possible.



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12. With the aforesaid direction, these Writ Petitions stand disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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

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K.KUMARESH BABU, J.

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