



W.P.Nos.1306 & 3647 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 19.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.Nos.1306 & 3647 of 2024

and

W.M.P.Nos.1348, 3932 and 3933 of 2024

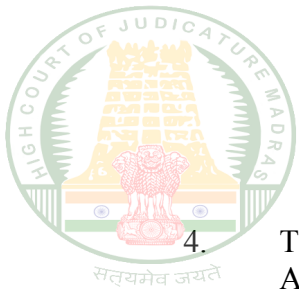
W.P.No.1306 of 2024

MR.R.KRISHNASWAMY,
LIFETIME TRUSTEE (UNDER SUSPENSION),
ARULMIGU DHARMALINGESWARASWAMY TEMPLE,
MADHUKKARAI TOWN AND TALUK,
COIMBATORE - 641 105.

... Petitioner

Vs

1. THE STATE,
REP. BY ITS PRINCIPAL SECRETARY,
HINDU RELIGIOUS & CHARITABLE
ENDOWMENTS DEPARTMENT,
FORT ST. GEORGE, CHENNAI – 600 001.
2. THE COMMISSIONER,
HINDU RELIGIOUS & CHARITABLE
ENDOWMENTS DEPARTMENT,
119, UTHAMAR GANDHI STREET,
NUNGAMBAKKAM,
CHENNAI – 600 034.
3. THE JOINT COMMISSIONER,
HINDU RELIGIOUS & CHARITABLE
ENDOWMENTS DEPARTMENT,
COMMERCIAL TAX BUILDING BALASUNDRAM ROAD,
COIMBATORE - 641 018.



W.P.Nos.1306 & 3647 of 2024

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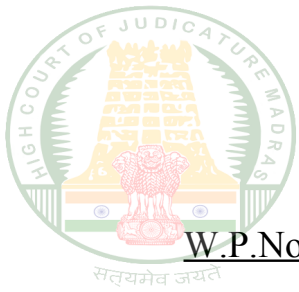
4. THE EXECUTIVE OFFICER,
ARULMIGU DHARMALINGESWARASWAMY TEMPLE,
MADHUKKARAI, COIMBATORE - 641 105.

5. MR.C.K.KANNAN,
S/O.LATE KRISHNASAMY,
D.NO.2/30 PALANIANDAVAR KOVIL STREET,
ETTIMADAI, COIMBATORE.
(R5-IMPLEADED AS PER ORDER
DATED 18.03.2024 IN WMP.5658/2024
IN WP.1306/2024 BY PDAJ)

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records of the proceedings in Na.Ka.No.6120/2023/A3 dated 03.01.2024, pending on the file of the third respondent and set aside the same and consequently direct the first respondent to appoint any other competent person/authority to conduct a fresh enquiry, without being influenced by the observations/charges made in the impugned proceedings, in accordance with law.

For Petitioner	: Mr.Abdul Saleem, Senior Counsel for Mr.V.Anantha Natarajan
For R1 to R4	: Mr.K.Karthikeyan Government Advocate
For R5	: Mr.P.R.Bala Subramanian



W.P.Nos.1306 & 3647 of 2024

W.P.No.3647 of 2024

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MR.R.KRISHNASWAMY,
LIFETIME TRUSTEE (UNDER SUSPENSION),
ARULMIGU DHARMALINGESWARASWAMY TEMPLE,
MADHUKKARAI TOWN AND TALUK,
COIMBATORE - 641 105.

... Petitioner

Vs

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2. THE COMMISSIONER,
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3. THE JOINT COMMISSIONER,
HINDU RELIGIOUS & CHARITABLE
ENDOWMENTS DEPARTMENT,
COMMERCIAL TAX BUILDING BALASUNDRAM ROAD,
COIMBATORE - 641 018.
4. THE EXECUTIVE OFFICER,
ARULMIGU DHARMALINGESWARASWAMY TEMPLE,
MADHUKKARAI, COIMBATORE - 641 105.
5. THE THAKKAR,
ARULMIGU DHARMALINGESWARASWAMY TEMPLE,
MADHUKKARAI, COIMBATORE - 641 105.
6. MR.C.K.KANNAN,
S/O.LATE KRISHNASAMY,
D.NO.2/30, PALANIANDAVAR KOVIL STREET,
ETTIMADAI, COIMBATORE.
(R6-IMPLEADED AS PER ORDER
DATED 18.03.2024 IN WMP.5654/2024
IN WP.3647/2024 BY PDAJ)

... Respondents



W.P.Nos.1306 & 3647 of 2024

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records of the proceedings in appointment of a Thakkar vide proceedings in Na.Ka.No.6120/2023/A3 dated 03.01.2024, pending on the file of the third respondent and set aside the same.

For Petitioner : Mr.Abdul Saleem, Senior Counsel
for Mr.V.Anantha Natarajan

For R1 to R5 : Mr.K.Karthikeyan
Government Advocate

For R6 : Mr.P.R.Bala Subramanian

COMMON ORDER

These two writ petitions are connected to each other and as such are taken up and disposed of by this common order.

2. In W.P.No.1306 of 2024, the order of suspension of the petitioner as Heredity Trustee is challenged. In W.P.No.3467 of 2024, the order appointing a fit person is challenged.

3. Upon hearing the learned Senior Counsel appearing on behalf of the petitioner and perusing the affidavit filed in support of the writ petition and other material records of the case, it is seen that originally certain allegations



W.P.Nos.1306 & 3647 of 2024

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were made against the petitioner. The petitioner had already submitted his explanation. Pending enquiry, further allegations were made and the suspension order is passed, which according to the petitioner is uncalled for and is made with the biased manner. After the suspension of the petitioner, a fit person is also appointed and therefore, he is challenging it by way of the second writ petition. When bias has been alleged against the then officer, it is brought to the notice of the Court that the officer has since now been changed and the grievance no more exists. Therefore the enquiry can be conducted and the decision can be arrived at by the third respondent in the manner known to law. The petitioner can defend the charges by submitting his explanation and producing such material on his behalf. When charges are made, the order of suspension as well as the appointment of fit person cannot be interfered by this Court. If only final orders are passed exonerating the petitioner of the charges and reinstating him, then it goes without saying that the appointment of a Fit Person will be reviewed and petitioner will be put in charge again. Therefore, everything will be dependent only on the outcome of the disciplinary enquiry that is pending against the petitioner.

4. In view thereof, the order of suspension as well as the appointment



W.P.Nos.1306 & 3647 of 2024

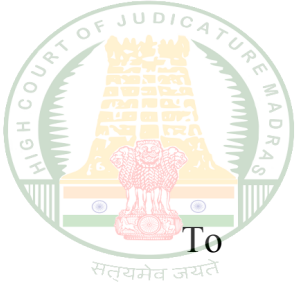
order appointing fit person cannot be interfered by this Court. Both the writ

WEB COPY petitions are disposed of on the following terms:-

(i) The third respondent is directed to proceed with the enquiry in the manner known to law and also afford opportunity to the petitioner and complete the enquiry and pass final order, in any event not later than three months from the date of receipt of web copy of the order without waiting for the certified copy of the order. No costs. Consequently, connected miscellaneous petitions are closed.

19.03.2025

Neutral Citation: Yes/No
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D.BHARATHA CHAKRAVARTHY, J.



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