



W.P.No.33273 of 2012

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2025

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.33273 of 2012
and
M.P.Nos.1 of 2012 and 1 of 2013

Arul Mighu Vanabadrakali Amman Temple,
Represented by its Hereditary Trustee
R.Vasantha,
W/o.Sampath,
Thekkampatti,
Mettupalayam Taluk,
Coimbatore District.

... Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Coimbatore – 641 018.

2.T.Thirunavakkarasu,
S/o.E.Thippiah,
Clerk,
Arulmighu Vanabadrakali Amman Temple,
Thekkampatti,
Mettupalayam Taluk,
Coimbatore District.



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3. The Assistant Commissioner /
Executive Officer,
Arul Mighu Vanabadrakali Amman Temple,
Thekkampatti,
Mettupalayam Taluk,
Coimbatore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for the records relating to the entire proceedings pursuant to the Notice dated 05.12.2012 passed in A.P.No.3 of 2012 dated 29.11.2012 on the file of the first respondent herein and to quash the same.

For Petitioner : Ms.Anisha.M
for Mr.S.Subbiah

For Respondents :
For R1 : Mr.S.Ravichandiran
Additional Government Pleader

For R2 and R3 : No appearance

ORDER

On the previous occasion i.e., on 03.02.2025, after hearing the learned counsel for the petitioner and the learned Additional Government Pleader for the first respondent, this Court has passed the following Order:-

“Heard Ms.M.Anisha, learned counsel for the petitioner and Mr.S.Ravichandran, learned Additional Government Pleader appearing for the 1st respondent.



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2. In this writ petition, the petitioner has challenged the notice dated 05.12.2012 passed in A.P.No.3 of 2012 dated 29.11.2012 issued by the 1st respondent herein.

3. The 2nd respondent was working as an Assistant in the petitioner Temple. The Hereditary Trustee of the petitioner Temple vide order dated 15.11.2012, suspended the 2nd respondent from service. As against the said suspension order, 2nd respondent had preferred an Appeal in A.P.No.3 of 2012 under Section 56(2) of the Tamil Nadu Hindu Religious & Charitable Endowments Act, 1959 (hereinafter referred to as “TN HR & CE Act”) before the 1st respondent. Challenging the Notice dated 05.12.2012 in A.P.No.3 of 2012 passed by the 1st respondent, the petitioner Temple has come up before this Court.

4. The case of the petitioner is that the 1st respondent does not have jurisdiction to entertain the appeal preferred by the 2nd respondent since the appointment of temple employees and power to take disciplinary proceedings against them are specifically conferred upon the Trustee of the petitioner Temple under Section 56 of the TN HR & CE Act.

5. I have considered the arguments advanced by the learned counsel for the petitioner as well as the learned Additional Government Pleader appearing for the 1st respondent. I have perused the affidavit filed in support of this petition and the counter affidavit filed by the 2nd respondent.

6. At this juncture, it is pertinent to extract Section 56(2) of the TN HR & CE Act hereinbelow:

“56. Punishment of office-holders and servants in religious institutions.—

(2) Any office-holder or servant punished by a trustee under sub-section (1) may, within one month from the date of the receipt of the order by him, appeal against the order to [the Joint



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Commissioner or the Deputy Commissioner, as the case may be.]”

7. A reading of the above provision makes it clear that any office holder or servant who was punished by a Trustee under Section 56(1) of the TN HR & CE Act, may prefer an appeal before the Joint Commissioner or the Deputy Commissioner, within a period of one month from the date of receipt of the order of Trustee. Therefore, it is not correct on the part of the petitioner to question the jurisdiction of the 1st respondent to entertain the appeal preferred by the 2nd respondent.

8. As the petitioners' case deserves no merits of consideration, this writ petition is liable to be dismissed. Accordingly, this writ petition is dismissed. However, considering the fact that the appeal filed by the 2nd respondent is of the year 2012, this Court directs the 1st respondent to dispose of the Appeal in A.P.No.3 of 2012, within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.”

2. Today, this case is listed under the caption “for being mentioned” at the instance of the learned counsel for the petitioner.

3. It is informed by the learned counsel for the petitioner that the relief sought for by the petitioner has become infructuous.



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4. In view of the above submission made by the learned counsel for the petitioner, this Writ Petition is dismissed as infructuous. Even so, the earlier order dated 03.02.2025, passed on merits is recalled. No costs. Connected Miscellaneous Petitions are closed.

05.02.2025

Neutral Citation : Yes / No

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To

The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Coimbatore – 641 018.



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C.SARAVANAN, J.

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