



W.P.No.23387 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.23387 of 2016

and

W.M.P.Nos.20049 of 2016 & 23881 of 2021

G.D.Gopaldas

... Petitioner

Vs.

The Assistant Commissioner,
Hindu Religious and Charitable Endowment (Admn.) Department,
Pudukottai.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records relating to the impugned communication issued by the Assistant Commissioner, H.R. & C.E. Pudukottai in Na.Ka.No.2641/2007/B2, dated 25.05.2016, directing the petitioner to produce accounts and records relating to the charity and quash the same.

For Petitioner : Ms.Vasudha Thiagarajan

For Respondent : Mr.K.Karthikeyan
Government Advocate (HR & CE)



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ORDER

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This Writ Petition has been filed by the petitioner seeking for a Writ of Certiorari, to call for the records relating to the impugned communication issued by the Assistant Commissioner, H.R. & C.E. Pudukottai in Na.Ka.No.2641/2007/B2, dated 25.05.2016, directing the petitioner to produce accounts and records relating to the charity and quash the same.

2. The case of the petitioner is that he is the Trustee of Gopaldass Dwarakadass Family Trust. Whiles, the respondent has issued the impugned communication dated 25.05.2016 to the petitioner, directing him to appear before the respondent with all the records. Challenging the same, the petitioner has filed this writ petition before this Court for appropriate orders.

3. The learned counsel for the petitioner submits that the petitioner's Trust is governed by the scheme granted by this Court in C.S.No.24 of 1892 and followed by C.S.No.721 of 1923. However, without communicating the contents of the complaint made against the petitioner's Trust, the respondent had issued the impugned notice, which



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is non-application of mind and the same is liable to be set aside.

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4. The learned Government Advocate appearing for the respondent submitted that several complaints are given by the individuals as well as the devotees against the petitioner's Trust alleging that the trustees are not properly maintaining the accounts of the Trust. In this regard, the Commissioner, HR & CE Department has also sent a communication to the respondent to look into the said complaints and also directed the respondent to file a report. On the basis of the complaints as well as the communication from the higher authority, in order to give a report, the respondent has sent the impugned notice to the petitioner, which is wholly sustainable and the same does not require any interference. Accordingly, he prays for dismissal of the writ petition.

5. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondent and also perused the materials available on record.



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6. Admittedly, the petitioner is the Trustee of Gopaldass Dwarakadoss Family Trust. It is seen from the records that, on the basis of the complaints given by several individuals and the communication sent by Commissioner, HR & CE Department, the respondent has sent the impugned notice to the petitioner, directing him to appear before the respondent with all necessary documents, which cannot be said to be illegal or perverse, in view of the fact that, this Court as well as the Apex Court, in catena of decisions, have held that the notices cannot be interfered with at the threshold as otherwise it would be nothing but precluding the respondent from discharging the duty in accordance with law. If at all the petitioner has any grievance, he has to canvass all the points before the respondent by way of filing objections by appearing before the respondent. Without doing so, approaching this Court for quashment of the impugned notice is *per se* unsustainable. Therefore, this Court is not inclined to interfere with the same. However, this Court feels that the respondent may be directed to send a copy of the complaint made against the petitioner's Trust, enabling the petitioner to file objections, if any, before the respondent.



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7. In view of the above, this Court, without interfering with the impugned notice, directs the respondent to send a copy of the complaint made against the petitioner's Trust, within a period of two (2) weeks from the date of receipt of a copy of this order, enabling the petitioner to effectively participate in the adjudication. Upon receipt of the same, the petitioner is directed to file the objections before the respondent, within a period of two (2) weeks thereafter. The respondent is directed to conclude the proceedings, within a period of eight (8) weeks from the date of receipt of the objection from the petitioner.

8. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

10.09.2025

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes/No
sp

To

The Assistant Commissioner,
Hindu Religious and Charitable Endowment (Admn.) Department,
Pudukottai.



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M.DHANDAPANI, J.

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