



W.P(MD)No.18350 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2025

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD)No.18350 of 2025

and

W.M.P(MD)Nos.14059 and 14060 of 2025

A.Venkatathiri

... Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Madurai.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Madurai.

3.Rani Mathuranthagi Nachiar,
Hereditary Trustee,
Sivagangai Samasthanam Devasthanam,
D.No.27, Raja Chatram Street,
Sivagangai.

4.The Manager,
Sivagangai Devasthanam,
Sivagangai District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the entire records pertaining to the impugned enquiry notice issued by the fourth respondent



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vide his proceedings in Na.Ka.No.L2-33/2025 dated 13.06.2025 and quash the same.

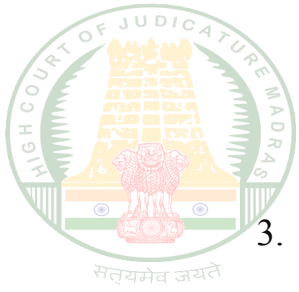
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For Petitioner	: Mr.R.Anand
For R1 & R2	: Mr.S.S.Madhavan Additional Government Pleader
For R3 & R4	: Mr.S.Manohar Standing Counsel

ORDER

This writ petition has been filed challenging the impugned enquiry notice issued by the fourth respondent vide his proceedings in Na.Ka.No.L2-33/2025 dated 13.06.2025.

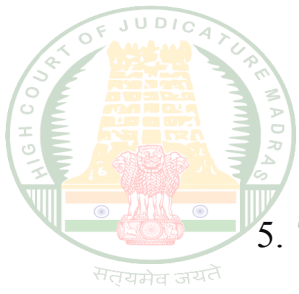
2. The petitioner appears to be one of the eight Sthanikars in Arulmigu Sowmiya Narayana Perumal Thirukovil, Thirukosityur, Sivagangai District. The petitioner has challenged the impugned communication, dated 13.06.2025, wherein, the petitioner has been called for an enquiry in connection with a complaint received regarding the non-performing of Peradhosam in the said temple.



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3. It is the specific case of the petitioner that the impugned notice issued by the fourth respondent calling the petitioner for an enquiry is contrary to Section 56 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. That apart, it is submitted that an earlier notice was issued to the petitioner on 07.01.2025. The petitioner has stated that he was unwell and he was unable to attend the personal hearing. A second notice was issued on 13.04.2025, to which the petitioner responded on 17.04.2025 and requested for the copies of the complaints. The petitioner thereafter appeared before the third respondent on 19.04.2025, on which date, according to the petitioner, he was assaulted by one Mr.Velmurugan. The petitioner has also given a complaint to the Thirukostiyur Police Station regarding the same. It is submitted that the third respondent is attempting to change the religious practice in the temple, as peradhosams are not held in the Perumal Temple. Therefore, the aforesaid enquiry based on imaginary complaint is unwarranted.

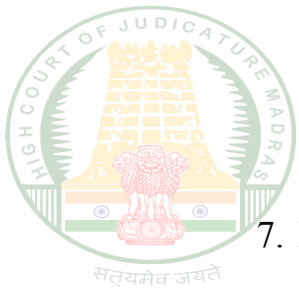
4. The learned counsel for the petitioner submits that the petitioner apprehensive about his safety if he appears for the enquiry.



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5. The learned Standing Counsel for the respondents 3 and 4 submits that there is no truth in the allegation that the petitioner was assaulted by the said Velmurugan. It is submitted that Velmurugan was working in this temple only during the year 2016 and he is presently working in the office of Devasthanam, Sivagangai. It is further submitted that the petitioner is a trouble maker, frequently having altercation with the management and if the temple issue notice, the petitioner rushes to the Court and attempts to secure orders. In this Connection, the learned Standing Counsel drew attention to the order passed by this Court in W.P(MD)No.11362 of 2009, dated 09.11.2009 and W.P(MD)No.2598 of 2010, dated 04.03.2010. It is submitted that there is absolutely no truth in the allegations made by the petitioner. Therefore, the proceedings initiated by virtue of the impugned notice, dated 13.06.2025 is misconceived and the writ petition is liable to be dismissed.

6. The learned Additional Government Pleader for the respondents 1 and 2 submits that the hearing was fixed on 22.04.2025 and therefore, so called assault on 19.04.2025 is inconceivable even as per the records before this Court in the petitioner's representation, dated 17.04.2025.

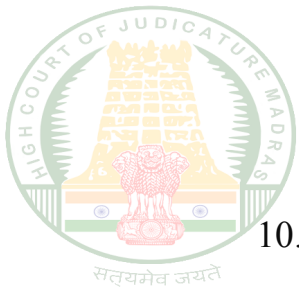


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7. By way of rejoinder, the learned counsel for the petitioner submits that the petitioner has given a representation before the fourth respondent on 17.04.2025 and thereafter approached the fourth respondent office on 19.04.2025, when he was assaulted by the said Velmurugan.

8. The learned Standing Counsel for the respondents 3 and 4 submits that the copy of the complaints are available and the same can be provided to the petitioner. The statement of the learned Standing Counsel for the respondents 3 and 4 stands recorded.

9. Having considered the arguments advanced by the learned counsel for the petitioner, learned Additional Government Pleader for the respondents 1, 2 and the learned Standing Counsel for the respondents 3 and 4, I am of the view that the challenge to the impugned enquiry notice is misconceived. The petitioner has already participated in the proceedings by filing a reply on 17.04.2025. That apart, the proceedings, if any, under Section 56 of the Act shall be initiated only by the third respondent. The fourth respondent has merely called upon the petitioner to appear for a preliminary enquiry. It is needless to state that the fourth respondent cannot pass any orders against the petitioner.



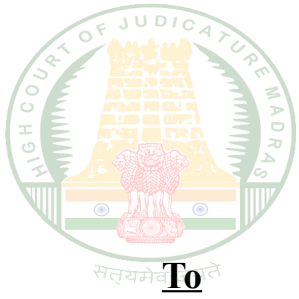
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10. Accordingly, the petitioner is directed to appear before the fourth respondent on 21.07.2025 at 10.30 a.m. The fourth respondent shall furnish the copies of the information based on which the enquiry is to be proposed. The petitioner shall answer in the enquiry and forward the same to the third respondent who shall thereafter decide as to whether to initiate proceedings against the petitioner. The third respondent shall pass appropriate orders on merits and in accordance with law as expeditiously as possible. It is made clear that the entire exercise shall be videographed starting from 21.07.2025, when the petitioner appears before the fourth respondent to receive the documents and for the preliminary enquiry and thereafter, during the course of any other proceedings, as per the applicable Rules. It is open to the petitioner to pursue the criminal remedy, if any.

11. The writ petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

07.07.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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C.SARAVANAN, J.

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