

WP(MD). No.21667 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 11/08/2025

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

WP (MD). No.21667 of 2025

Shanmugam T

... Petitioner

Vs

1. The Commissioner,
Department of Hindu Religious and
Charitable Endowment Board,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai - 34..

2. The Joint Commissioner,
Department of Hindu Religious and
Charitable Endowment Board,
Joint Commissioner Office, Thoothukudi..

3. The Executive Officer,
Arulmigu Mutharamman Thirukkcoil,
Department of Hindu Religious and
Charitable Endowment Board,
Kulasekarapattinam, Thoothukudi District..

4. The Chairman,
Board of Trustees,
Arulmigu Mutharamman Thirukkcoil,
Kulasekarapattinam,
Thoothukudi District..

... Respondents



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PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 30.06.2025 and further direct the respondents to complete departmental enquiry and take appropriate disciplinary action against Mr.Harish, Priest of Arulmigu Mutharamman Thirukkoil, Kulasekarapattinam, in light of the criminal case (Crime No.188/2024 at Kulasekarapattinam Police Station) and other serious allegations of misconduct and unlawful activities, considering the grave nature of his actions.

For Petitioner : Mr.V.Rajiv Rufus

For Respondents : Mr.S.S.Madhavan
Additional Government Pleader
Ms.J.Anandhavalli for Harish

ORDER

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2. This writ petition has been filed for a Mandamus to direct the respondents to consider the petitioner's representation dated 30.06.2025 and further direct the respondents to complete departmental enquiry and take appropriate disciplinary action against Mr.Harish, Priest of Arulmigu Mutharamman Thirukkoil, Kulasekarapattinam, in light of the



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criminal case (Crime No.188/2024 on the file of Kulasekarapattinam Police Station) and other serious allegations of misconduct and unlawful activities.

3. The grievance of the petitioner is that the petitioner is employed as a Driver in the respondent Department. While so, one Archagar, by name, Harish, of the respondent temple, had attacked the petitioner along with other persons, who are said to be his aide and pursuant to the said attack, the petitioner sustained injuries and a criminal case has also been registered and therefore, the said Harish was suspended. In order to conclude the departmental enquiry against the said Harish, the petitioner has sent a representation to the respondents. Since the said representation was not considered, the petitioner is before this Court with this writ petition.

4. The learned counsel for the petitioner would submit that this Court may issue a direction to the respondents to consider the representation of the petitioner dated 30.06.2025.

5. Per contra, the learned counsel for the department would submit

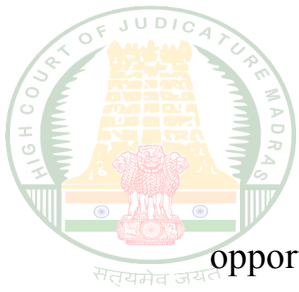


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that since the said Harish was placed under suspension on 14.09.2024 and in view of the pendency of criminal case against him, action is yet to be taken. He would further submit that charge sheet has been filed and the respondents are awaiting the outcome of the criminal case and for these reasons alone, the learned counsel would submit that the disciplinary proceedings have not been commenced and it will be concluded by providing opportunity to the said Harish.

6. However, the learned counsel for Harish would submit that without impleading the said Harish, filing writ petition is not at all maintainable and the writ petition is to be dismissed for non joinder of necessary party.

7. Admittedly, the dispute is between the petitioner and the said Harish and as rightly pointed out that the petitioner has not impleaded the said Harish as one of the respondent against whom action is sought and in his absence, no orders can be passed. However, considering the facts and circumstances, there shall be a direction to the respondents to consider the representation of the petitioner, after providing sufficient



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opportunity to the petitioner as well as Harish and pass appropriate orders on merits and in accordance with law.

The writ petition is disposed of with the above direction. No costs.

11.08.2025

NCC : Yes/No

Index : Yes/No

RR

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M.DHANDAPANI,J

RR

**ORDER
IN
WP(MD) No.21667 of 2025**

Date : 11/08/2025