



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.02.2026

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN**

**W.A(MD)No.208 of 2026
and
C.M.P(MD)No.2214 of 2026**

M.P.Shanmugaraja Sethupathy ...Appellant/ Petitioner

.Vs.

**1.The Joint Commissioner,
HR and CE(Administration),
Neelagiriswarar Thoppu,
Thiruvanaikovil,
Thiruchirappalli-5.**

**2.The Assistant Commissioner,
HR and CE Department,
Srirangam,Thiruchirappalli.**

**3.The Inspector,
HR and CE Department,
Srirangam, Thiruchirappalli.**

4.P.Gandhimathi

5.P.DevanadhaBoopathy ... Respondents/ Respondents



PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent Act praying this Court to set aside the order of this Court made in W.P(MD)No.36766 of 2025, dated 02.01.2026.

For Appellant : Dr.c.Ravichandran
for Mr.V.Sasi Kumar

For Respondents :Mr.J.Ashok
1 to 3 Addl.Govt.Pleader

JUDGMENT

(Order of the Court was made by **DR.G.JAYACHANDRAN.,J**)

The Writ Appeal has been filed challenging the order of the learned Single Judge made in W.P(MD)No.36766 of 2025, dated 02.01.2026.

2.The appellant herein being aggrieved by the report of the Inspector, HR and CE Department, Srirangam, Thiruchirappalli in the pending enquiry before the Joint Commissioner under 63(b) of the HR and CE Act in connection with the appointment of the appellant as hereditary trustee, has filed W.P(MD)No.36776 of 2025 to quash the report of the third respondent therein as illegal.

3.According to the learned Senior Counsel for the appellant in the enquiry proceedings initiated pursuant to the power



WEB COURT

conferred under Section 63(b) of the HR and CE Act, the Enquiry Officer has to follow Section 110 of HR and CE Act and he cannot deviate from the procedure established. The learned Senior Counsel appearing for the appellant would submit that while the report of the third respondent is filed before the Enquiry Officer namely, the Joint commissioner has no right to collect facts illegally, which order needs to be quashed. However, the learned Single Judge, instead of quashing the report, had disposed of the Writ Petition with liberty to the appellant herein to get a copy of the report submitted by the third respondent and cross-examine the third respondent, if necessary.

4.The contention of the learned Senior Counsel for the appellant is that the third respondent, who has submitted his report based on the statement of certain disputed elements, is not the competent person to speak about those facts in the statement of the witnesses. Therefore, giving liberty to cross examine the third respondent, will not cure the inherent defect in the procedure. The learned Senior Counsel draw the attention of this Court to Section 110 of HR and CE Act which had laid down the procedures and powers of enquiry under chapter V and VI which reads as below.



“110.Procedure and powers at inquiries under Chapter V and VI.--(1) Where a Commissioner(or a Joint Commissioner or a Deputy Commissioner)makes an enquiry or hears an appeal under Chapter V or Chapter VI, the inquiry shall be made and the appeal shall be heard, as nearly as may be, in accordance with the procedure applicable under the Code of Civil Procedure, 1908(Central Act V of 1908) to the trial of suits or the hearings of appeals, as the case may be.

(2)The provisions of the Indian Evidence Act, 1872(Central Act 1 of 1872) and the Indian Evidence Act, 1873(Central Act X of 1873) shall apply to such inquiries and appeals.

(3)The Commissioner (or a Joint Commissioner or a Deputy Commissioner) holding such inquiry or hearing such an appeal shall be deemed to be a person acting judicially within the meaning of the Judicial Officers Protection Act, 1850(Central Act XVIII of 1850).

5.The above Section envisages to take the assistance of Civil Procedure Code and evidence, as nearly as possible, in the course of enquiry conducted under Chapter V and VI. It is only an enabling provision and not a mandatory provision to say that violation of any procedure as contemplated under the Civil Procedure code or Evidence Act will be procedural illegality.

6.Be that as it may, here is a case where the enquiry under Section 63(b) of HR and CE Act is conducted by the Joint Commissioner to find out whether the appellant is entitled to hold hereditary trustee of the said temple. In the course of enquiry, the Joint Commissioner has every power and right to collect materials



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by engaging staffs of the HR and CE Department for the purpose of effective evidence. The appellant has every right to dispute the report either by examining the Inspector, HR and CE Department who has submitted the report based on the statements of the persons who have given the statements. The only protection given to the appellant is that to decide the veracity of the statement which is likely to be relied upon by the Joint Commissioner in the course of enquiry. Therefore, we make it clear that the order of the learned Single Judge needs to be read as opportunity to the appellant to examine the persons who have given statements either directly to the Joint Commissioner/Enquiry Officer or to the persons authorized by him to collect the facts and if any request is made by the appellant to summon those persons, the Joint Commissioner shall issue summons to them to enable the appellant to examine/cross-examine those witnesses.

7. With the above observations, the Writ Appeal stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

[G.J.,J.] [K.K.R.K.,J.]
24.02.2026

NCS : Yes/No
Index : Yes / No
Internet : Yes / No



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and
K.K.RAMAKRISHNAN, J.

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JUDGMENT MADE IN
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