

(2005) 08 MAD CK 0067

In the Madras High Court

Case No : W.A. No. 1980 of 2004 and W.P. No. 27042 of 2003

P.M. Neelamegam

APPELLANT

Vs

The Commissioner, Hindu Religious and Charitable
Endowment Department and Others

RESPONDENT

Date of Decision : 01-08-2005

Acts Referred:

Citation : (2006) 1 LLJ 983 : (2005) 3 LW 755 : (2005) 4 MLJ 256

Hon'ble Judges : Markandey Katju, C.J;F.M. Ibrahim Kalifulla, J

Bench : Division Bench

Advocate : AR.L. Sundaresan, for the Appellant; G. Sukumaran, Spl.G.P. for RR 1 to 3, G. Ethirajulu, for R-4 and Lakshminarayanan, for R-5, for the Respondent

Judgement

F.M. Ibrahim Kalifulla, J.—Though this writ appeal was preferred against the interim order of the learned single Judge, the main writ petition

itself is taken up for disposal. In the main writ petition the challenge is to the proceedings of the second respondent dated 20.8.2003 in

Na.Da.Na.Ka.No. 6460/2003/A.4. In the said proceedings certain charges were levelled against the then trustees who got elected on 4.3.2001.

Some of the charges are serious namely, the jewels of the temple came to be misappropriated by the then trustees. Pending disposal of the writ

petition, by way of an interim order, the operation of the said charge sheet cum show cause notice came to be stayed. As against the said order of

the learned single Judge this writ appeal has been preferred.

2. At the outset we wish to state that as against the show cause notice the writ petition itself should not have been entertained vide Executive

Engineer, Bihar State Housing Board Vs. Ramesh Kumar Singh and others, . Apart from the order of interim stay there was another order passed

by the learned single Judge appointing Advocate Commissioners to hold a fresh election for the office of the trustees inasmuch as under the impugned show cause notice dated 20.8.2003 a fit person came to be appointed while directing the erstwhile trustees to hand over charge of the temple. As against the other interim order directing to hold fresh election a writ appeal came to be preferred and that writ appeal was also disposed of confirming the order of the learned single Judge and thereby allowing the Advocate Commissioners to proceed with the election process. It is now reported that the Advocate Commissioners have concluded the election proceedings and the results have been kept in abeyance awaiting further orders from this Court.

3. In the above stated circumstances, since in our opinion the very writ petition against the charge sheet cum show cause notice dated 20.8.2003

should not have been entertained vide *The Special Director and Another Vs. Mohd. Ghulam Ghouse and Another*, we direct the second

respondent herein to proceed with the said show cause notice and conclude the enquiry proceedings initiated against the erstwhile trustees and till

such time the proceedings are concluded, the fit person appointed under the proceedings dated 20.8.2003 shall continue to hold office. Depending

upon the final outcome of the said enquiry proceedings pursuant to the charge sheet cum show cause notice dated 20.8.2003, the second

respondent shall pass appropriate orders as regards the fresh set of trustees taking over the office as per the scheme decree. The writ petition

stands disposed off. We reiterate that till such time final orders are passed pursuant to the show cause notice by the second respondent the fit

person would continue to hold office.

4. We have also considered the memos filed by the Advocate Commissioners who conducted the election wherein they have claimed additional

remuneration. Considering the nature of duties performed by them, the writ petitioner and the fourth respondent are directed to pay Rs. 10,000/-

each to the Advocate Commissioners by way of additional remuneration.

5. In view of the order passed in the writ petition itself, no further orders are necessary in the writ appeal and it is closed. No costs. Connected

WPMP Nos. 33047/2003, 2266/2003, 4231/2004 are closed.