

WEB COPY

WP No. 40019 of 2



Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-09-2026

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THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 40019 of 2026

and WMP Nos.44943 and 44944 of 2026

CNR: {HCMA012357652026}



Case QR

V.Durairaj
S/o.Late Venkatachalam,
Nangavalli Main Road, Mecheri - 636453, Mettur
Taluk, Salem District.

..Petitioner(s)

Vs

1. The Joint Commissioner
Hindu Religious and Charitable And Endowment
(HR and CE), Kariaperumal Karadu Road,
Salem - 636001, Salem District.
2. The Assistant Commissioner,
Hindu Religious And Charitable And Endowment
(HR and CE), Kariaperumal Karadu Road,
Salem - 636001, Salem District.
3. The Executive Officer
Arulmigu Pathrakaliamman Temple, Mecheri -
636453, Mettur Taluk, Salem District.
4. The Secretary
Primary Agriculture Co-Operative Bank,
Nangavalli Main Road, Mecheri - 636453, Mettur
Taluk, Salem District.

..Respondent(s)



PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India seeking the issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned order passed by the 3rd respondent dated 24.08.2026 in Na.Ka.No.548-2/2026 and its consequential freezing of his joint account order dated 24.08.2026 in Na.Ka.No.548-1/2026 issued by the 3rd respondent and quash the same in so far as this petitioner is concerned, consequently forebear the respondents 1 to 3 from initiating any recovery proceedings against the petitioner with regard to same allegations.

For Petitioner(s): Mr. M. R. Jothimanian

For Respondent(s): Mr. D. Yashwanth Rajan

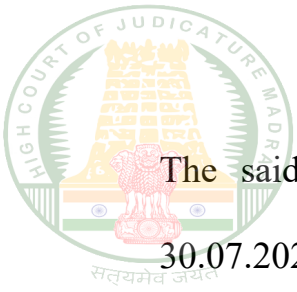
Government Advocate (HR & CE)

for R1 to R3

ORDER

The present Writ Petition has been filed challenging the impugned orders passed by the third respondent dated 24.08.2026

2. The learned counsel for the petitioner submits that the impugned order was passed in violation of the principles of natural justice, without affording the petitioner an opportunity of being heard. Reference was made to a related Writ Petition, W.P. No. 4895 of 2026, filed by a third party, namely R. Rathinam.

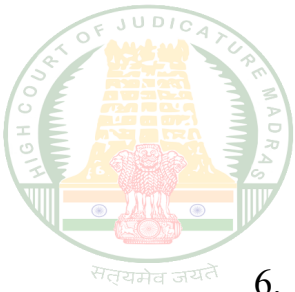


The said Writ Petition was disposed of by this Court vide order dated 30.07.2026, recording the submission of the learned counsel for the respondents that any buffaloes sold through unauthorised public auctions would be recovered from the private respondents therein.

3. The learned counsel further contends that while investigating these allegations, the respondents were legally bound to issue notice to the affected parties. However, the impugned order, which directly affects the rights and interests of the petitioner, was passed without issuing any show-cause notice or affording an opportunity of a personal hearing.

4. The learned Government Advocate appearing for the respondents (HR & CE) submits that based on the order passed by this Court in W.P.No.4895 of 2026, the impugned orders were passed only after issuing notice to the petitioner.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents (HR & CE) and perused the materials on record.

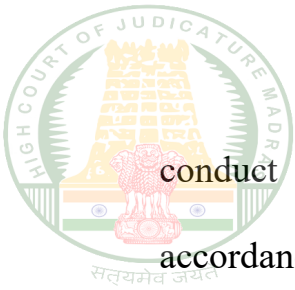


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6. Although the learned Government Advocate submits that a notice was issued to the petitioner, a perusal of the impugned order reveals that it does not contain any reference to the issuance or service of any such notice upon the petitioner.

7. In view of the above, it is evident that the impugned order was passed without issuing notice and without affording an opportunity of a personal hearing to the petitioner to put forth his case, which is in violation of the principles of natural justice and is, therefore, unsustainable in law. Accordingly, the impugned order passed by the 3rd respondent dated 24.08.2026 in Na.Ka.No.548-2/2026 is hereby set aside. It is needless to say that once the impugned order is set aside, the consequential freezing of the bank account vide order dated 24.08.2026 in Na.Ka.No.548-1/2026, is also set aside. Accordingly, the concerned Bank is directed to permit the petitioner to operate his bank account forthwith.

8. In the event the respondents intend to proceed against the petitioner, the official respondents are directed to issue a proper show-cause notice to the petitioner, provide him with a reasonable opportunity for a personal hearing,

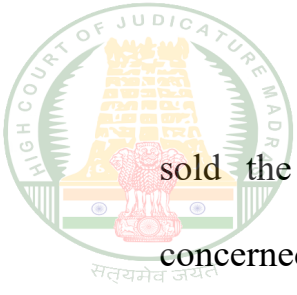


conduct a detailed enquiry, and pass appropriate orders on merits and in accordance with law.

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9. The learned Government Advocate appearing for the respondents submits that the amount realised from the unauthorised sale of the buffaloes is approximately Rs. 83,00,000/-, implying that more than 200 buffaloes were sold. This Court finds that there has been a severe lapse in supervision. While the displacement of one or two buffaloes might go unnoticed, the sale of over 200 buffaloes by the villagers raises serious concerns. Given that an Executive Officer has been specifically appointed to manage the Temple, it was his primary duty to safeguard the livestock and bring them to public auction in a regular manner. Therefore, this Court strongly suspects the negligence of the Executive Officer in allowing these buffaloes to go out of the Temple, enabling third parties to dispose of them in a clandestine manner. *Prima facie*, the Executive Officer appears to be a key figure accountable for this lapse.

10. In view of the above, this Court directs the official respondents to conduct a thorough and detailed enquiry into the entire lapse. The respondents shall take appropriate action not only against the individuals who unlawfully



sold the buffaloes but also initiate action against the Executive Officer concerned for dereliction of duty and failure to discharge statutory obligations.

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11. With the above observations and directions, this Writ Petition stands disposed of. There shall be no order as to costs. W.M.P.No.44943 of 2026 filed to dispense with the production of the original impugned order passed by the 3rd respondent, is allowed. Consequently, the connected W.M.P.No.44944 of 2026 is closed.

30-09-2026

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To

1. The Joint Commissioner
Hindu Religious And Charitable And Endowment
(Hr And Ce), Kariaperumal Karadu Road,
Salem - 636001, Salem District.
2. The Assistant Commissioner,
Hindu Religious And Charitable And Endowment
(Hr And Ce), Kariaperumal Karadu Road,
Salem - 636001, Salem District.

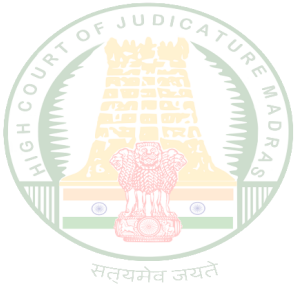


3. The Executive Officer

Arulmigu Pathrakaliamman Temple, Mecheri -
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KRISHNAN RAMASAMY, J.

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