



W.P(MD)No.21991 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.11.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.21991 of 2025

and

W.M.P(MD)Nos.17088 & 24249 of 2025

Thiruparankundram Devendra Kula Velalar
Samoogathai serntha irulakudumban
Vagaiyaravukku paathiyapatta kuladeivamana\
Sri Malaiyadi Karupanaswamy Kovil
Pangaligkal Sarbaga
K.Sivakumar Kudumban,
S/o.A.Karuppaiah,
5/27, Keelapallar Street,
Thiruparankundram,
Madurai – 625 005.

... Petitioner

Vs.

- 1.The Joint Commissioner,
Madurai Region,
Hindu Religious and Charitable Endowments,
Madurai – 625 016.
- 2.C.Kumarathurai,
The Then Joint Commissioner,
Madurai Region,
Hindu Religious and Charitable Endowments,
Madurai – 625 016.



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3.The Trustee,
Arulmigu Malaiyadi Karupanaswamy Temple
Thiruparankundram,
Executive Officer (at)
Arulmity Kaalamegaperumaal Temple,
Thirumogur, Madurai.

4.Malaiyandiyaan (alias) Thangam Poosari,
Keela Theru, Naduchanthu,
Thiruparankundram,
Madurai – 625 005.

5.Rasu (alias) Sunthathevar

6.M.Mahesh

7.S.Nagarathinam

8.S.Munusu Senthil

9.The Commissioner,
HR&CE Department,
Nungambakkam,
Chennai.

***(R.8 & R.9 are impleaded vide
order of this Court dated 24.10.2025)***

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the impugned order in O.A.No.18/2008 dated 16.02.2022 and 20.04.2022 passed by the 2nd respondent as in the capacity of the 1st respondent and quash the same as illegal against the material evidences and consequently direct the 1st respondent to hold a fresh enquiry on the petition of the respondents 4 to 7 taken in O.A.No.18 of 2008 on the file of the 1st respondent by directing the 1st respondent to implied petitioners in party respondents in O.A No.18 of 2008 on the file of the 1st respondent.



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For Petitioner : Mr.C.Selvakumar

For Respondents : Mr.G.Suriyananth
Additional Government Pleader
for R.1 & R.9

Mr.S.Manohar for R.3

Mr.B.Saravanan
Senior Counsel
for Mr.C.Gangai Amaran
for R.4 to R.6 & R.8

No Appearance for R.2

ORDER

Heard both sides.

2.The scheme framed by the Joint Commissioner, Madurai region for the management of the petition mentioned temple in O.A.No.18 of 2008 vide order dated 16.02.2022 is under challenge in this writ petition. The temple, namely, Arulmigu Malaiyadi Karupanaswamy, Thiruparangundram is located on the girivala path. Materials on record indicate that both the Devendra Kula Velalar community and the Kallar Thevar vagaiyara had claim over the temple. O.S.No.249 of 1952 was filed by the Devendra Kula Velalar community on the file of the District



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Munsif Court, Thirumangalam seeking the relief of declaration and permanent injunction in respect of the suit property. The temple in question is located in the suit property. A compromise decree was passed on 08.08.1953. In this writ petition, one need not go into the binding nature of the said compromise decree. This is primarily because neither the Government nor the HR&CE department was made a party to the suit. However, the filing of such a suit or passing of the compromise decree clearly indicate that the Devendra Kula Velalar community had also staked a strong claim over the temple management.

3.While so, in the year 2008, fit person was appointed for the temple by the HR&CE department. In that background, O.A.No.18 of 2008 was filed by the Kallar Thevar vagaiyara under Section 64(1) of Tamil Nadu HR&CE Act, 1959 before the Joint Commissioner, HR&CE Department, Madurai for framing a scheme for the administration of the temple. Unfortunately, the fit person alone was shown as the sole respondent. In my view, the members of Devendra Kula Vellalar community ought to have been made as respondents in a representative capacity.



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4.Finally, a scheme came to be framed on 16.02.2022. This scheme vests the entire temple management in the hands of Kallar Thevar vagaiyara. The scheme is assailed primarily on the ground of violation of principles of natural justice. In normal circumstances, I would have definitely quashed the scheme and remanded the matter for fresh consideration. However, I am unable to do so for the reason pointed out by the learned Senior Counsel appearing for Kallar Thevar vagaiyara. It is seen that in the year 2019 itself, public notice was issued. In fact, K.Sivakumar kudumban, who has filed this writ petition, had received a copy of the notice and it appears that he had also submitted his objections. When K.Sivakumar kudumban had knowledge of the filing of the OA, he ought to have filed an application to get himself impleaded. It is not as if the scheme was framed on the very next day after the filing of the OA. It was pending consideration for 14 years. K.Sivakumar kudumban having knowledge of filing of the OA ought to have mounted a challenge immediately after the scheme was framed. He did not do so. He chose to wait for more than 3 years. In these circumstances, doctrine of laches would definitely operate.



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5. At the same time, I cannot lose sight of the larger aspects. My attention is drawn to the Section 47 of the Tamil Nadu HR&CE Act, 1959. Section 47(1)(c) of Tamil Nadu HR&CE Act which states that every board of trustees constituted under clause (a) or clause (b) shall consist of not less than three and not more than five persons, of whom one shall be a member of the Scheduled Castes or Scheduled Tribes and another one shall be a woman. Of course, this stipulation may not apply to a scheme framed under Section 64 of the HR&CE Act. However, when the Devandra Kula Velalar community is a major community having a substantial stake in the matter, their presence could not have been excluded in the Board of trustees.

6. It is true that the Joint Commissioner had followed the procedure set out in the Framing of Schemes Rules, 1960. But technical adherence to rules is one thing and serving the cross of substantial justice is entirely another. It is not as if the petitioners are without remedy. As pointed out by the learned Senior Counsel as well as the learned Standing Counsel for the temple, this is a fit case for the exercise of *suo motu* jurisdiction by the Joint Commissioner himself under Section 64(5)(a) of



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the Act. The petitioner is permitted to file an appropriate application under this provisions projecting their case in its entirety. When such an application is filed, it shall be numbered immediately. Notices will be issued to the Kallar Thevar vagaiyara, the fit person and others if any. It is needless to mention that public notice will have to be issued and all the procedures set out in the Framing of Schemes Rules, 1960 will have to be scrupulously adhered to. I have given enough indication to the Joint Commissioner that the scheme already framed will have to be suitably revised so that proper representation is given to the members of Devendra Kula Velalar community in the management.

7.This Writ Petition is disposed of accordingly. No costs.
Consequently, connected miscellaneous petitions are closed.

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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Note: Issue order copy on 21.11.2025.



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To

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The District Munsif Court,
Thirumangalam.



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G.R.SWAMINATHAN, J.

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