



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-07-2026

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THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 1674 of 2025

AND

WMP NO. 1921 OF 2025, WMP NO. 1922 OF 2025

K.K.C. Yogesh Swamy,
S/o Late. K.K.C Singarachariar Swamy,
No 16, Sannadhi Street,
Sholinghur, Ranipet District 631 102.

..Petitioner(s)

Vs

1. The Government Of Tamilnadu,
Rep. By Its Principal Secretary,
Tourism, Culture And Charitable (ANi 3-1)
Department,
Fort St. George Secretariat, Chennai 600 009.
2. The Commissioner,
Hindu Religious And Charitable Endowment,
Department, Chennai 600 034.
3. The Joint Commissioner,
Tamil Nadu Hindu Religious And Charitable
Endowments Department,
1st Floor, R.T.O Salai, Sathuvachari,
Vellore 632 009.
4. The Assistant Commissioner,
Tamil Nadu Hindu Religious And Charitable
Endowments Department,
No 308, 2nd Floor, Arcot Salai
Kakithapattarai, Vellore 632 102.



5. The Executive Officer,
Arulmigu Sri Lakshmi Narasimha Swamy
Devasthanam, Sholingur,
Ranipet District 631 102.

6. The Inspector,
Tamil Nadu Hindu Religious And Charitable
Endowments Department, Arakonam.

7. K. Ravi,
S/o K. Ayanu Raju,
Venkataperumal Rajupuram, Pallipattu Taluk,
Thiruvallur District.

8. Govindhaiaya Harish,
S/o Govindhaiaya,
No 3, Anna Avenue 4th Street, M.B.D. Road
Ranipet District.

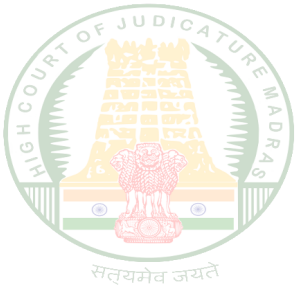
9. Raj Kumar,
No 108 Bajanaikoil Street, Kirupilspettai,
Arakonam, Ranipet District.

10.P. Rajalakshmi,
W/o A. Prabhu, No 835, New Street,
Puliyankannu, Karai Post, Ranipet District.

11.S. Nithyanandham,
S/o Salla M. Sababathy Mudaliar No 73,
Sengundhar Periya Theru, Sholingur,
Ranipet District.

..Respondent(s)

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for an issuance of Writ of Certiorari, calling for the records of the 1st respondent contained in G.O (pa) No. 25 dated 11.01.2025, and to quash the same.



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WP No. 1674 of 2



For Petitioner(s):

Mr.S.Parthasarathy,
Senior Counsel
For Mr.K.S.Navin Balaji

For Respondent(s):

Mr.D.Yashwanth Rajan
Government's Counsel (HR & CE)
For R1 to R4 & R6

Mr.Wilson Topaz
For M/s.A.S.Kailasan & Associates
For R5

Not Ready Notice For R7

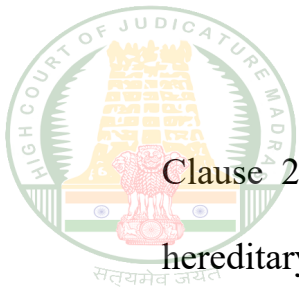
No Appearance For R8 to R11

Order

This writ petition has been filed challenging the G.O (pa) No. 25 dated 11.01.2025 passed by the 1st respondent.

2.The brief facts of the case are as follows:-

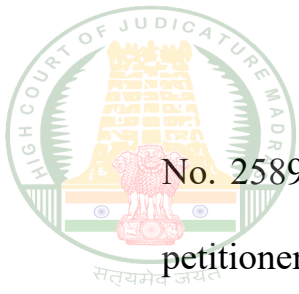
2.1 The petitioner is holding the post of Hereditary Trustee, First Theerthakar, first lock holder under double lock system, Karuvoola Mirasudar Dhamasandehivarthi in Arulmigu Sri Narasimha Swamy Temple at Sholingur. The temple and its affairs are governed by the scheme framed in O.A. No. 411 of 1942 dated 05.08.1944, on the file of the Board of HR & CE, Chennai.



Clause 2 of the said scheme provides for administration of the Temple by hereditary trustees and non-hereditary trustees not exceeding three members and

Clause 16 of the said scheme deals with custody of jewels under the double lock system. In 1990, the Department's notification proposing non-hereditary trustees was challenged by the petitioner's grandfather in W.P. No. 17452 of 1990, which was allowed on 13.11.1990, directing the Department to issue notice to the petitioner under Section 47(2) of the TN HR&CE Act, 1959 before appointing non-hereditary trustees. The Department's clarification petition in W.M.P. No. 2029 of 1991 to clarify the direction issued in W.P.No.17452 of 1990 was dismissed. Thereafter, Department preferred appeal in W.A. No. 981 of 1992 against the order made in the said writ petition, which was also dismissed vide order dated 17.12.1992 noting that the respondent's own interest in the institution required a mandatory notice to petitioner's family before any such appointment. But once again, a fresh notification was issued for appointing non-hereditary trustees on 27.07.2000, which was again challenged by the petitioner's grandfather in W.P. No. 13916 of 2000 and the notification was subsequently set aside by this Court.

2.2 However, the respondents once again published a notification dated 17.11.2021 in Dinakaran daily calling for applications for appointment of non-hereditary trustees without complying with Section 47(2) of the Act as directed by this Court in previous occasions. The petitioner's challenge thereto in W.P.



No. 25891 of 2021, was disposed of by order dated 03.12.2021, directing the petitioner to submit his objections and requiring the respondents to consider the same before finalising the list of candidates. In compliance with the said directions, the petitioner filed detailed objections on 27.01.2022 and a further representation on 09.07.2024 opposing the appointment of non hereditary trustees. But no enquiry was conducted or no shortlist of candidates was ever furnished to the petitioner and no orders were passed on either representation. Subsequently, the petitioner issued a legal notice dated 03.12.2024 calling upon the respondents not to proceed with the appointment and no reply was received. Notwithstanding the above, the 1st respondent passed the impugned order G.O. (pa) No. 25 dated 11.01.2025 appointing respondents 7 to 11 as non-hereditary trustees of the 5th respondent Temple without reference to the petitioner's pending objections and without affording any personal hearing. Even by the scheme's framework only three trustees are to be appointed but the respondents 1 to 6 have appointed respondents 7 to 11, which is five trustees in total, which is in violation of the Clause 2 of the scheme.

3.Mr.S.Parthasarathy, learned Senior Counsel for Mr.K.S.Navin Balaji, learned counsel for the petitioner would submit that in the present case, the official respondents supposed to have appointed three non-hereditary trustees in terms of the scheme framed on 05.08.1944. However, the respondent appointed



five non-hereditary trustees, which is totally contrary to Clause 2 of the scheme.

Without taking into consideration of the scheme, the non-hereditary trustees have been appointed. Further he would submit that in terms of the order passed in W.P.No.25891 of 2021, the official respondents supposed to have provided opportunity to the petitioner. However, no such opportunity was granted before appointing the non-hereditary trustee. Hence, he prayed to set aside the impugned order.

4.Learned Government's Counsel appearing for the respondents 1 to 4 & 6 strongly opposed the contentions of the learned Senior Counsel for the petitioner and submitted that the scheme dated 05.08.1944 is totally contrary to the provisions prescribed under Section 47 (1) (f) of the HR & CE Act, 1959. In terms of the aforesaid provisions, the respondents can appoint maximum of five non-hereditary trustees. However, in the scheme it has been stated that only three hereditary trustees can be appointed. The scheme has been framed contrary to the Act. The 1st respondent appointed five non-hereditary trustees as per the provision contemplated in the Act. Out of five non-hereditary trustees, one women trustee and one trustee has been appointed from schedule caste community. Hence, he prayed to dismiss the present writ petition.

5.Heard Mr.S.Parthasarathy, learned Senior Counsel for MR.K.S.Navin Balaji, learned counsel for the petitioner; learned Government's Counsel



appearing for the respondents 1 to 4 & 6 and the learned counsel for the 5th respondent.

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6. For better appreciation, it would be apposite to extract Clause 2 of the scheme dated 05.08.1944 and Section 47(1) of the HR & CE Act. Clause 2 of the Scheme dated 05.08.1944 and Section 47(1) are extracted hereunder:-

“2. The administration of the temple and its affairs of the endowments attached to the temple and its sub temples shall be conducted by the hereditary trustee and any of the non hereditary trustees not exceeding three in number as may be determined by the Board from time to time, and an executive Officer to be appointed by the Board.”

“Section 47(1)

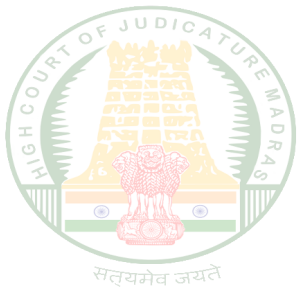
47. Trustees and their number and term of office.

(1) [(a) Where a religious institution included in the list published under section 46 or in respect of which the Assistant Commissioner has no power to appoint trustees, has no hereditary trustee,-

(i) in cases falling under clause (i) of section 46, the Joint Commissioner / Deputy Commissioner;

(ii) in cases falling under clause (ii) of section 46, the Commissioner; and

(iii) in cases falling under clause (iii) of section 46, the Government, shall constitute a Board of trustees:]



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[Provided that the Board of Trustees constituted under items (i) and (ii) of this clause shall, subject to the provision of clause (c), consist of three persons appointed by the Joint Commissioner or the Deputy Commissioner or the Commissioner, as the case may be, from among the panel of names of persons sent by the District Committee concerned under sub-section (4) of section 7-A:] *[Substituted by Act No. 51 of 2012, dated 16.11.2012.]*

Provided further that in addition to the persons appointed by the Joint Commissioner/Deputy Commissioner or the Commissioner under item (i) or (ii) of this clause, as the case may be, the Government may nominate two persons who are qualified for appointment as trustees under this Act, as members of the said Board of Trustees, having regard to the following matters, namely:-

(a)the interest of the public generally;

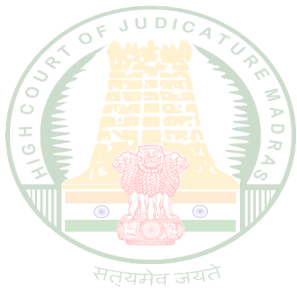
(b)the income and the properties of the religious institutions;

(c)the number of worshippers and importance of the religious institutions as a pilgrim centre; and

(d)such other matters as may be prescribed.

(e)In respect of all the incorporated and unincorporated Devaswoms in the transferred territory, [the Government] *[Substituted by Tamil Nadu Act 39 of 1996.]* shall constitute a single Board of Trustees.

(f)Every Board of Trustees constituted under



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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] *[Added by Tamil Nadu Act 15 of 2006.]*:

Provided that [the Government, the Commissioner, the Joint Commissioner or the Deputy Commissioner]

[Substituted by Tamil Nadu Act 39 of 1996.], as the case may be, may, pending the constitution of such Board of Trustees under this sub-section, appoint a fit person to perform the functions of the Board of Trustees.”

A reading of the Clause 2 of the Scheme would show that a maximum of three hereditary trustees can be appointed, However, reading of Section 47(1) (f) would show 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.

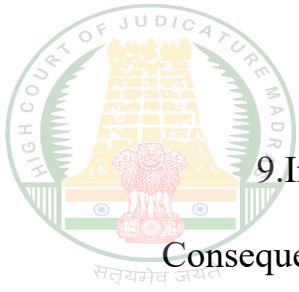
7. According to the learned Government’s counsel appearing for the respondents 1 to 4 & 6, the scheme framed by the 2nd respondent is not in consonance with the provisions prescribed under Section 47(1)(f) of the HR & CE Act. This Court is not in a position to accept the respondent's contentions for the simple reason that the scheme framed by the 2nd respondent mandates the



appointment of three non-hereditary trustees. This complies with the Act, which prescribes a maximum of five non-hereditary trustees and a minimum of three, meaning the board of trustees must consist of between three and five persons.

Accordingly, the scheme has been framed to the extent of appointing three non-hereditary trustees. Therefore, the scheme aligns with the provisions contemplated under Section 47(1)(f) of the Act. If the scheme had been framed to appoint more than five persons or fewer than three persons, then the contentions of the official respondents would be correct. If the official respondents intend to appoint five non-hereditary trustees they should amend the scheme under Section 64 of the HR & CE Act as maximum of five non-hereditary trustees. They cannot simply cite the reason that the scheme itself is contrary to the law, without following the proper procedure.

8. Thus, this Court is inclined to set aside the impugned order dated 11.01.2025 passed by the 1st respondent. Accordingly, the impugned order dated 11.01.2025 is hereby set aside and the 1st respondent is directed to issue fresh publication for appointment of three non-hereditary trustees, after issuing notice to the petitioner as per Section 47(2) of the HR & CE Act as directed by this Court in Paragraph Nos.27 to 30 of W.P.No.25891 of 2011 dated 03.12.2021. The entire exercise shall be completed within a period of three months from the date of receipt of a copy of this order.



9. In view of the above, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

RST

To:-

1. The Principal Secretary, Tourism, Culture And Charitable (ANi 3-1) Department, Fort St. George Secretariat, Chennai 600 009.
2. The Commissioner, Hindu Religious And Charitable Endowment Department, Chennai 600 034.
3. The Joint Commissioner, Tamil Nadu Hindu Religious And Charitable Endowments Department, 1st Floor, R.T.O Salai, Sathuvachari, Vellore 632 009.
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5. The Executive Officer, Arulmigu Sri Lakshmi Narasimha Swamy Devasthanam, Sholingur, Ranipet District 631 102
6. The Inspector, Tamil Nadu Hindu Religious And Charitable, Endowments Department, Arakonam.



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KRISHNAN RAMASAMY J.

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