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W.P.No.6464 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-02-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No. 6464 of 2026

P.Raji
S/o.Poongavanam
556, Pachaiyamman Koil Street (Bye pass Road)
Kizhsathamangalam, Vandavasi Taluk,
Tiruvannamalai District, Hereditary Trustee,
A/m. Mannarsamy Pachaiamman Temple,
Mummuni Village, Vandavasi Taluk.

..Petitioner

Vs

1. The Joint Commissioner,
H.R & C.E. Department,
Gandhi Nagar,
Tiruvannamalai.
2. The Assistant Commissioner,
H.R.& C.E. Department,
Oya Madam,
Tiruvannamalai.
3. The Inspector,
H.R & C.E.Department,
Kottai Baktha Anchaneyar Temple premises,
Vandavasi,
Tiruvannamalai District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the



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issuance of Writ of Mandamus, directing the respondents to permit the petitioner to do daily poojas in A/m.Mannarswamy Pachaiyamman Temple situated at Mummuni Village, Vandavasi Taluk, Tiruvannamalai District by considering the petitioner's representation dated 07.07.2025.

For Petitioner: Mr.Amar D Pandiya

For Respondents: Mr.S.Ravichandran
Additional Government Pleader for R1 to R3

ORDER

The writ petition is filed for a writ of mandamus directing the respondents to permit the petitioner to perform daily poojas in Arulmigu Mannarswamy Pachaiyamman Temple, situated at Mummuni Village, Vandavasi Taluk, Tiruvannamalai District, by considering the petitioner's representation dated 07.07.2025.

2. The learned counsel appearing for the petitioner submits that earlier, when the petitioner claimed to be the hereditary trustee of the very same temple, the O.A.No.1 of 2008 was dismissed by the third respondent. As against the same, A.P.No.32 of 2013 was filed and was also dismissed. When the same was challenged before this Court in W.P. No. 37964 of 2015, liberty was reserved to the petitioner to file a civil suit. Accordingly, a civil suit in O.S.No.398 of 2024 has been filed and is now pending on the file of the Subordinate Court, Vandavasi. While so, the Fit Person is interfering with the petitioner's right to perform pooja. Earlier, in W.P.No.26518 of 2007, while



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dismissing the writ petition challenging the order of the Fit Person, this Court observed that the Fit Person shall not interfere with the petitioner's right to perform pooja if the same had been carried on by his forefathers and continued by the petitioner. Therefore, even assuming that the petitioner's claim of hereditary trusteeship stands rejected, as on date the right to perform pooja is still available and cannot be interfered with.

2. Per contra, the learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that, as on date, one *Balamurugan* is performing the pooja. Since the petitioner's claim to be the hereditary trustee has already been rejected, he cannot be permitted to perform the pooja. Further, the petitioner is aged about 75 years and it is not possible for the department to appoint him as an *Archagar*.

3. I have considered the rival submission made on either side and perused the material records of the case.

4. It is not in dispute that as far as the claim of hereditary trustee is concerned, the same was negatived and now the matter is pending before the Civil



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Court in O.S.No.398 of 2024. Now the petitioner claims right to perform pooja by way of a customary right and he is not claiming to be appointed as the *Archagar* by the respondent authorities. In this regard, the observations made by this Court earlier in M.P.No.2 of 2007 in W.P.No.26518 of 2017 is to be considered and paragraph No.5 of the said Order is extracted hereunder for ready reference:

“5. In view of the fact that the suit for the purpose of declaring the petitioner as hereditary trustee is pending, the taking over of charge of the fit person in respect of the temple can be only subject to the result of the final judgment that may be passed in the suit filed by the petitioner. In view of the same, making it clear that the fit person shall not interfere with the right of the petitioner in carrying on the poojas, if the same has been carried on by the forefathers and continued by the petitioner, this miscellaneous petition is closed. The Respondents are directed to file counter affidavit. Post the writ petition for final disposal in the second weeks of October 2008.”

5. Thus, it has been held that if there is a customary right, the same need not be interfered with. It cannot be amount to the Court finding that the petitioner having established the customary right. The petitioner claims customary right to



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perform the pooja. The same has to be claimed before the jurisdictional Joint Commissioner to establish the customary right under Section 63(e) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, Therefore, unless the petitioner establishes such right in the manner known to law, this Court cannot conclude under Article 226 of the Constitution of India that the petitioner has a customary right. As and when such an application is filed, the jurisdictional Joint Commissioner shall deal with the same as expeditiously as possible and dispose of the same within a period of three months from the date of filing of such application.

6. With the aforesaid liberty kept open to the petitioner, the writ petition stands disposed of. No costs.

18-02-2026

Neutral Citation: Yes/No

NSL

To

1. The Joint Commissioner,
H.R & C.E. Department,
Gandhi Nagar,
Tiruvannamalai.

2. The Assistant Commissioner,
H.R.& C.E. Department,

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Oya Madam,
Tiruvannamalai.

3. The Inspector,
H.R & C.E.Department,
Kottai Baktha Anchaneyar Temple premises,
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Today, this writ petition is listed under the caption “for being mentioned”.

2. It is seen that the order dated 18.02.2026 passed in W.P.No.6464 of 2026 contains a total of seven paragraphs. However, in the said order, Paragraph No.2 has been reflected twice.

3. In view of the above, the Registry is directed to correct the paragraph numbering and issue a corrected copy of the order.

18.03.2026

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