

W.P.(MD) No.18879 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.07.2026

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.18879 of 2026

and

W.M.P.(MD) No.13978 of 2026

Ayyanar

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Nungambakkam, Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Thanjavur District.

3.The Fit Person Appointee,
Arulmigu Chelliyamman @
Mariamman Temple,
Sudalaya Village,
Manamelkudi Taluk,
Pudukkottai District /
Executive Officer,
Arulmighu Viruthapureeswarar Thirukovil,
Thirupuvanavasal,
Avudayarkovil Thirukovil Taluk,
Pudukkottai District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari to call for the records relating to the impugned proceedings passed by the second respondent dated 22.06.2026 in Se.Mu.Ka.No.1017/2022/A3 superseding the petitioner as Hereditary Trustee of Arulmighu Chelliamma @ Mariamman Thirukovil Kadalavayal Village, Manamelkudi Taluk, Pudukkottai District and appointing third respondent as fit person to the said temple and quash the same.

For Petitioner : Mr.V.R.Shanmuganathan
For R1 & R2 : Mr.R.Parthiban
Counsel for Government of Tamilnadu
For R3 : Mr.G.Madhavan
Standing Counsel for H.R. & C.E.

ORDER

The petitioner is before this Court challenging the impugned proceedings dated 22.06.2026 passed by the second respondent in Se.Mu.Ka.No.1017/2022/A3, whereby the petitioner was superseded as the Hereditary Trustee of Arulmighu Chelliamma @ Mariamman Thirukovil, Kadalavayal Village, Manamelkudi Taluk, Pudukkottai District and the third respondent was appointed as the Fit Person.



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WEB COPY 2. This is the second round of litigation before this Court. The case of the petitioner is that he is the Hereditary Trustee of the subject temple, namely, Arulmighu Chelliamma @ Mariamman Thirukovil, situated at Kadalavayal Village, Manamelkudi Taluk, Pudukkottai District, and that the second respondent, by proceedings dated 02.04.2026 in Se.Mu.Na.Ka.No.11017/2022/A3, removed the petitioner from the post of Hereditary Trustee. Aggrieved by the said proceedings dated 02.04.2026, the petitioner approached this Court by filing W.P.(MD) No.10868 of 2026. This Court, after hearing the parties, passed the following order:

“2.By the said order, it can be seen that on account of the involvement in a criminal case and not performing his duties as the hereditary trustee, the petitioner is straight away removed from the hereditary trusteeship and he is ordered to hand over the charge of the temple. Among other things, it can be seen that the order of removal is straight away passed. When the same is done on the ground of specific allegations, the course open to the respondents is to issue a charge memorandaum and give an opportunity to the petitioner to explain the allegations and only after conduct of proper enquiry, he can be removed from the trusteeship. Therefore, among other things, the impugned order suffers from the violation of principles of natural justice.



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3. The learned Additional Government Pleader is not in a position to assail this position that no show cause notice or charge memo whatsoever was issued. The learned counsel is not in a position to assail that the impugned order is issued on the premise that the trustee has suffered disqualification. Mere registration of FIR or mere allegation is not disqualification on the petitioner. These are the charges of misconduct against him.

Therefore, keeping open the liberty of the respondents to take proceedings afresh in the manner known to law, the impugned order dated 20.04.2026 shall stand quashed and the Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition stands closed.”

3. Pursuant to the aforesaid order, the second respondent undertook the exercise afresh and passed the impugned order dated 22.06.2026 removing the petitioner from the hereditary trusteeship of the aforesaid temple under Section 26(1)(h) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 [presumably in exercise of the power under Section 26(4) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959]. For the sake of clarity, Sections 26(1)(h) and 26(4) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 are reproduced below:

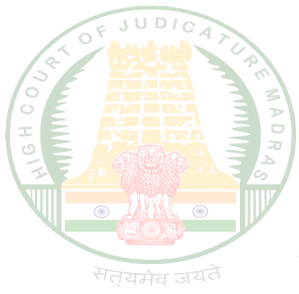


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<i>Section 26(1)(h) of the Act</i>	<i>Section 26(4) of the Act</i>
26. Disqualification of trustees.— (1) A person shall be disqualified for being appointed as, and for being, a trustee of any religious institution— (a) (h) if he has acted adverse to the interest of the institution.	26. Disqualification of trustees.— (1) (4) If a hereditary trustee becomes subject to any of the disqualifications mentioned in sub-section (1), the Joint Commissioner or the Deputy Commissioner, as the case may be, may supercede the trustee.

4. It appears that pursuant to the aforesaid order of this Court dated 17.04.2026 passed in W.P.(MD) No.10868 of 2026, an enquiry was conducted on 08.05.2026. During the interregnum, the second respondent also called for a report from the Inspector of H.R. & C.E., who, in his report dated 14.05.2026 (referred to at Sl.No.9 of the impugned order), found that the petitioner was guilty of neglecting duty and causing disharmony. Based on the said report of the Inspector of H.R. & C.E., the petitioner was superseded and a Fit Person was appointed by the impugned order.



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5. The learned counsel for the petitioner would submit that the power under Section 26(1)(h) read with Section 26(4) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 is not applicable under the present circumstances and that the impugned order is without jurisdiction. It is further submitted that if at all any action was to be taken against the petitioner, it could have been initiated only under Section 53(2)(j) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, after following the due procedure of law. It is also submitted that the consequence of the impugned order is that the petitioner stands permanently disqualified from being appointed as a Hereditary Trustee in any religious institution and therefore, the drastic order passed by the second respondent is liable to be interfered with.

6. It is submitted that even if the petitioner was incarcerated for a period of six days along with his brother and sister's son on the basis of a complaint lodged under the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, the same would not constitute a ground for invoking Section 26(1)(h) read with Section 26(4) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.



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WEB COPY 7. The learned counsel for the Government of Tamil Nadu, appearing on behalf of the first and second respondents, drew the attention of this Court to certain passages in the impugned order, wherein it is recorded that the petitioner had failed to take steps to retrieve the properties of the temple, which had been alienated during the tenure of the petitioner's father and that he continued to manage the affairs of the temple without taking any steps to retrieve the said properties.

8. That apart, it is submitted that the petitioner was found to be a habitual drunkard and had been warned on several occasions. Despite such warnings, the petitioner continued with the said inappropriate behaviour, which is wholly inconsistent with the office of Hereditary Trustee held by him under the provisions of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. Therefore, the second respondent was justified in passing the impugned order superseding the petitioner from the office of Hereditary Trustee and appointing a Fit Person to manage the temple.



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WEB COPY 9. It is further submitted that the petitioner has an alternative remedy by way of an appeal under Section 26(5) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 before the first respondent. Therefore, on this ground also, the present Writ Petition is liable to be dismissed.

10. The learned Standing Counsel appearing for the third respondent/Fit Person would also submit that the third respondent took charge of the administration of the temple as early as 03.07.2026

11. By way of rejoinder, the learned counsel for the petitioner would submit that even though the appointment of the third respondent was made pursuant to the impugned order, the petitioner has not handed over charge. Therefore, the only method by which the third respondent can take control of the subject temple is by invoking Section 101 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. He therefore prays for appropriate orders in this regard.



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12. Having considered the submissions made by the learned counsel for the petitioner and the learned counsel appearing for the respondents, it is evident that the drastic power under Section 26 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 has been erroneously invoked by the second respondent, as its invocation has serious repercussions on the petitioner's eligibility to be considered for appointment as a Hereditary Trustee in future. For the alleged acts of delinquency and misconduct, if at all, a charge ought to have been framed against the petitioner and proceedings ought to have been initiated under Section 53 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, in accordance with law.

13. In view of the above, this Court is left with no other option except to quash the impugned order and remit the matter to the second respondent for passing appropriate orders, if warranted, under Section 53 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. Needless to state, the procedure prescribed under the Act and the Rules framed thereunder shall be meticulously followed before passing the final orders.



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14. With the above observations, this Writ Petition stands disposed

of. There shall be no order as to costs. Consequently, the connected

Miscellaneous Petition is closed.

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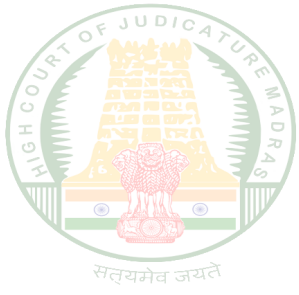
NCC : Yes / No

Index : Yes / No

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C.SARAVANAN, J.

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