



WP(MD)No.28334 of 2023

56BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 05.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

**WP (MD)No.28334 of 2023 and
WMP (MD) Nos.24398,24399,24400 and 24735 of 2023**

Thavathiru Thiruvadikudil Swamigal

... Petitioner

Vs

- 1.State of Tamil Nadu,
Represented by its Principal Secretary,
Tourism, Culture and
Religious Endowments Department,
Secretariat, Chennai - 600 009.
- 2.The Commissioner,
Hindu Religious and
Charitable Endowments Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai - 600 034.
- 3.The Joint Commissioner,
Hindu Religious and
Charitable Endowments Department,
Mayiladurai Division,
Samantharkulam,Siththarkadu,
Mayiladuthurai Taluk and
District - 609003.
- 4.A/m.Swaminatha Swami Devasthanam,
Represented by its Executive Officer /
Deputy Commissioner,
Swamimalai, Kumbhakonam Taluk,
Thanjavur District.



WP(MD)No.28334 of 2023

5.B.Neelavathy

6.T.R.Swaminathan

7.S.Sukkuru

8.S.Sujan

9.P.Arjunan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorari calling for the entire records pertaining to the order dated 03.11.2023 of the 1st respondent made in GO.Ms.No.264 and quash the appointment of the 6th respondent as a non-hereditary trustee of the 4th respondent temple.

For Petitioner	: Mr.S.Mahadevan
For Respondent	: Mr.Veera Kathiravan
Nos.1 to 3	Addl. Advocate General
	Assisted by
	Mr.P.Subburaj,
	Special Govt.Pleader
For Respondent	: Mr.N.Chandrasekar
No.4	
For Respondent	: Mr.N.Chandrasekar
No6.	

ORDER

The petitioner a devotee of the Arulmigu Swaminatha Swami Devasthanam has filed this



WP(MD)No.28334 of 2023

writ petition as against the order of appointing the 6th respondent as a non-hereditary trustee of the temple.

2.The case of the petitioner is that the 6th respondent has taken the property of the temple, contested with the temple by filing a suit claiming ownership of the property, adjudicated the issue upto second appeal and the second appeal is still pending. The person, who has acted as against the temple administration is now appointed as a non-hereditary trustee of the temple. considering the ground raised by the petitioner, this Court by earlier order dated 30.11.2023 has granted an order of interim stay for appointment of the 6th respondent. In response to this writ petition, the 3rd respondent, the Joint Commissioner and the 6th respondent have filed their counter affidavits and also filed an application to vacate the interim order.

3.The learned Additional Advocate General appearing for the 4th respondent by referring the



WP(MD)No.28334 of 2023

counter filed by the 3rd respondent submits that the litigation was initiated by the 6th respondent's father T.S.Raja Gopalan and not by this 6th respondent.

4. According to the learned Additional Advocate General the suit itself was withdrawn by the 6th respondent's father Rajagopal himself on 06.11.2022 and the subject property of the suit was also handed over to the temple. In the entire episode the 6th respondent was not having any role to play and therefore for the litigation raised by the 6th respondent's father, the 6th respondent cannot be found fault with and cannot be declared as disqualified.

5. The learned Additional Advocate General also informed this Court that the sixth respondent's grandfather one Saminatha Udaiyar was a Philonthropist, has donated several lands to the temple and also to a school, viz., National Higher Secondary School, in which he has studied.



WP(MD)No.28334 of 2023

6.The 6th respondent has filed a counter affidavit to this writ petition and has confirmed that the subject land was already handed over to the temple administration.

7.The learned Counsel for the petitioner submits that though the lands have been handed over to the temple, the patta still stands in the name of the 6th respondent's father.

8.In view of the counter affidavits filed by the 3rd respondent and the 6th respondent that the 6th respondent has not contested the suit and the property has been handed over to the temple administration, this Court is not inclined to entertain this writ petition.

9. Both the temple administration and the 6th respondent have confirmed the land was handed over. If the patta still stands in the name of the 6th respondent's father, the 3rd respondent shall file necessary application before the Revenue Officials to



WP(MD)No.28334 of 2023

change the patta. The 6th respondent has to extend his co-operation for the same.

10. Accordingly this writ petition is dismissed. The 6th respondent shall render his service to the temple keeping in mind the reputation gained by his grand father Saminatha Udayar even after his demise. No costs. Consequently connected miscellaneous petition are closed.

05.12.2023

Internet : Yes / No

DSK



WP(MD)No.28334 of 2023

To

WEB COPY

- 1.The Principal Secretary,
Tourism, Culture and
Religious Endowments Department,
Secretariat, Chennai - 600 009.
- 2.The Commissioner,
Hindu Religious and
Charitable Endowments Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai - 600 034.
- 3.The Joint Commissioner,
Hindu Religious and
Charitable Endowments Department,
Mayiladurai Division,
Samantharkulam, Siththarkadu,
Mayiladuthurai Taluk and
District - 609003.
- 4.The Executive Officer /
Deputy Commissioner,
A/m.Swaminatha Swami Devasthanam,
Swamimalai, Kumbhakonam Taluk,
Thanjavore District.



WEB COPY



WP(MD)No.28334 of 2023

B. PUGALENDHI , J .

dsk

WP (MD) No .28334 of 2023

05.12.2023