



W.P.Nos.12094 and 25779 of 2016

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 28.08.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P.Nos.12094 and 25779 of 2016**

**And**

**W.M.P.Nos.10460, 10461, 22094 and 22095 of 2016**

1.V.Karthikeyan

2.K.Kailasam

... Petitioners in both the W.Ps.

**Vs.**

1.The Commissioner,  
Hindu Religious and Charitable Endowments,  
Nungambakkam,  
Chennai – 34.

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

3.The Assistant Commissioner,  
Hindu Religious and Charitable Endowments,  
Nagapattinam,  
Nagapattinam District.

4.P.K.Rajarathinam

... Respondents in both the W.Ps.

**Prayer in W.P.No.12094 of 2016:**

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records in



W.P.Nos.12094 and 25779 of 2016

relating to the proceedings of the third respondent in Na.Ka.No.4020/2009 /E2 dated 03.07.2015 and consequential proceedings passed by the second respondent in Na.Ka.No.8840/2015/A2 dated 03.11.2015 and quash the same and consequently direct the respondents to allow the petitioners as hereditary trustees in the smooth functioning of the Arulmigu Mariamman Temple, Panchanathikulam, Vedharanyam Taluk, Nagapattinam District.

**Prayer in W.P.No.25779 of 2016:**

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records in relating to the impugned orders passed by the first respondent in his proceedings in Nada.Ni.Mu.No.9709/ 2016 / L 5/dated 30.03.2016 and consequential impugned order passed by the second respondent in Na. Ka.No.8840/2015 A3/ dated 31.03.2016 and quash the same and consequently direct the respondents to allow the petitioners as hereditary trustees in the smooth functioning of the Arulmigu Mariamman Temple, Panchanathikulam, Vedharanyam Taluk, Nagapattinam District.

For Petitioners : Mr.V.Kasinathabharathi

For Respondents : Mr.N.R.R.Arun Natarajan for R1 to R3  
Special Government Pleader (HR & CE)  
Mr.R.Murugabharathi for R4

**COMMON ORDER**

The petitioners have filed the writ petition in W.P.No.12094 of



W.P.Nos.12094 and 25779 of 2016

2016 seeking issuance of Writ of Certiorarified Mandamus to call for the records in the proceedings of the third respondent in Na.Ka.No.4020/2009 /E2 dated 03.07.2015 and consequential proceedings passed by the second respondent in Na.Ka.No.8840/2015/A2 dated 03.11.2015 and quash the same and consequently direct the respondents to allow the petitioners as hereditary trustees in the smooth functioning of the Arulmigu Mariamman Temple, Panchanathikulam, Vedharanyam Taluk, Nagapattinam District.

2.The petitioners have filed the writ petition in W.P.No.25779 of 2016 seeking issuance of Writ of Certiorarified Mandamus to call for the records in the orders passed by the first respondent in proceedings in Nada.Ni.Mu.No.9709/ 2016 / L 5/dated 30.03.2016 and consequential order passed by the second respondent in Na.Ka.No.8840/2015 A3/ dated 31.03.2016 and quash the same and consequently direct the respondents to allow the petitioners as hereditary trustees in the smooth functioning of the Arulmigu Mariamman Temple, Panchanathikulam, Vedharanyam Taluk, Nagapattinam District.

3.The learned counsel appearing for the petitioners submitted



W.P.Nos.12094 and 25779 of 2016

that the first petitioner is the son – in – law of one Annamalai Devar/ first trustee and the second petitioner is the next line of succession of the second trustee and they are the hereditary trustees of Arulmigu Mariamman Temple, Panchanathikulam, Vedharanyam Taluk, Nagapattinam District. The said Temple is a private Temple under the purview of 63 B of the HR & CE Act, 1959 and is developed and administered by the ancestors of the petitioners. In the year 1975, V.Annamalai Devar, K.Srinivasa Devar, K.Rajarathina Devar filed application in O.A.No.77 of 1975 before the Deputy Commissioner, HR & CE seeking to declare them as trustees of Arulmigu Mariamman Temple and the said application was allowed in their favour. Whiles, based on the complaint lodged by the fourth respondent, the third respondent vide proceedings dated 03.07.2015 recommended to appoint Executive Officer for Arulmigu Mariamman Temple, Panchanathikulam and forwarded namuna to the second respondent and the second respondent vide proceedings dated 03.11.2015 recommended the same to the first respondent and challenging the same, the petitioners have filed W.P.No.12094 of 2016. Thereafter, the first respondent vide proceedings dated 30.03.2016, appointed Executive Officer for Arulmigu Mariamman Temple, Panchanathikulam and the second respondent passed consequential order dated



W.P.Nos.12094 and 25779 of 2016

31.03.2016 and challenging the same, the petitioners have filed W.P.No.25779 of 2016.

4.The learned Special Government Pleader (HR & CE) appearing for the respondents 1 to 3 submitted that Arulmigu Mariamman Temple, Panchanathikulam, Vedharanyam Taluk, Nagapattinam District is not a private Temple and it is coming under the purview of HR & CE Department. There is no dispute that the first petitioner is the son – in – law of one Annamalai Devar/ first trustee and the second petitioner is the next line of succession of the second trustee, however, if the petitioners want to be recognized as trustees of the Temple, they have to make application under Section 54 of the HR & CE Act before the Joint Commissioner and further submitted that the petitioners have filed application before the Joint Commissioner, HR & CE Department, Thanjavur and now the same has been transferred to the Joint Commissioner, HR & CE Department, Nagapattinam District and further submitted that unless the issue is decided by the Joint Commissioner, HR & CE Department, Nagapattinam District and the petitioners are recorded as trustees, the petitioners cannot be recognized as trustees of the Temple.



W.P.Nos.12094 and 25779 of 2016

WEB COPY

5. In view of the submission made by the learned Special Government Pleader (HR & CE) appearing for the respondents 1 to 3, these writ petitions are dismissed. However, liberty is granted to the petitioners to canvass all the points before the Joint Commissioner, HR & CE Department, Nagapattinam District or to work out the remedy in the manner known to law. No costs. Consequently, the connected miscellaneous petitions are closed.

28.08.2024

pri  
Index: Yes/ No  
Speaking Order: Yes/ No  
NCC: Yes/ No

To

1. The Commissioner,  
Hindu Religious and Charitable Endowments,  
Nungambakkam,  
Chennai – 34.
2. The Joint Commissioner,  
Hindu Religious and Charitable Endowments,  
Thanjavur,  
Thanjavur District.
3. The Assistant Commissioner,  
Hindu Religious and Charitable Endowments,  
Nagapattinam,  
Nagapattinam District.

6/7



WEB COPY



W.P.Nos.12094 and 25779 of 2016

**M.DHANDAPANI,J.**  
pri

**W.P.Nos.12094 and 25779 of 2016**  
**And**  
**W.M.P.Nos.10460, 10461,**  
**22094 and 22095 of 2016**

**28.08.2024**