



W.P.No.10970 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.10970 of 2021
and W.M.P.Nos.11601 and 11604 of 2021**

S.Karunanithi

... Petitioner

Vs.

- 1.The Joint Commissioner,
Hindu Religious and Charitable Endowments
Administration Department,
Villupuram.
- 2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments
Administration Department,
Villupuram.
- 3.The Inspector,
Hindu Religious and Charitable Endowments
Administration Department,
Kandachipuram.
- 4.The Sub-Inspector of Police,
Kandachipuram.



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5.C.Vetrivel

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6.Arulmigu Ramanathaeswarar Temple
Madavilagam Village,
Kandachipuram Taluk,
Villupuram District.

... Respondents

(*R6 is impleaded vide order dated 19.07.2021 made in W.M.P.No.13068 of 2021 in W.P.No.10970 of 2021*)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the first respondent in his proceedings in Se.Mu.Ne.Mu.No.115/2020/E2 dated 25.02.2021 and O.Mu.No.1147/2021/E2/ dated 15.04.2021 and quash the same and thereby, forbear the respondents from interfering in the petitioner's management and administration of Arulmighu Ramanathaeswarar Temple, Madavilagam Village, Kandachipuram Taluk, Villupuram District.

For Petitioner : Mr.N.Suresh

For Respondents : Mr.K.Karthikeyan
Government Advocate (HR & CE)
for R1 to R3
Mr.L.Baskaran
Government Advocate (Crl.side)
for R4
Mr.Avinash Wadhwani for R5



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Chandrasekaran. Initially, the petitioner's ancestors were in the joint management of the Temple and thereafter, Chandrasekaran was in the management of the Temple. Since Chandrasekaran could not run the Temple and his sons, who are the fifth respondent and others, were also not looking after the Temple, he had handed over the management and administration of the Temple to the petitioner and the petitioner was recognized as Hereditary Trustee of the Temple. While so, in the application made by the fifth respondent before the first respondent for appointing him as Hereditary Trustee, the first respondent, without providing opportunity to the petitioner, has appointed the fifth respondent as the Hereditary Trustee of the Temple vide impugned order dated 25.02.2021 and thereafter, vide letter dated 15.04.2021, the first respondent directed to get the documents relating to the Temple and the Temple key from the petitioner and hand it over the same to the fifth respondent. Challenging the same, the present writ petition has been filed.



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3. The learned Government Advocate (HR & CE) appearing for the respondents 1 to 3 submits that one Vaidyalingam, who is the son of Ganapathy Mudaliar was declared as Hereditary Trustee of Arulmigu Ramanatheeshwara Temple by the Deputy Commissioner in O.A.No.21 of 1966 vide order dated 15.05.1967 and Vaidyalingam Mudaliyar had managed the Temple as Hereditary Trustee and died on 14.12.1979, leaving behind his legal heirs, namely, Chandrasekaran, Sivagurunathan, Ponnumani, Vijayakumari and Kalaiarasi. Thereafter, his elder son, namely, Chandrasekaran, succeeded to the Hereditary Trusteeship and during his lifetime, he requested the petitioner to assist him in the management of the Temple and thereby, all the communications sent by HR & CE Department were addressed to the petitioner and there are no records to show that the petitioner was recognized as Hereditary Trustee of the Temple. After the demise of Chandrasekaran, his son, namely, Vetrivel/fifth respondent had filed the application to recognize him as Hereditary Trustee and the other legal heirs of the deceased Vaidyalingam Mudaliyar and the deceased Chandrasekaran had given consent that they have no objection to



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appoint the fifth respondent as the Hereditary Trustee and based on the same, the fifth respondent was appointed as Hereditary Trustee of the said Temple under Section 54(1) of Hindu Religious and Charitable Endowments Act, 1959. If at all the petitioner has any grievance, he has to agitate the same before the Commissioner, Hindu Religious and Charitable Endowments and he has failed to exhaust the remedy available before the Commissioner, Hindu Religious and Charitable Endowments.

4. The learned counsel appearing for the fifth respondent submits that the fifth respondent is the legal heir of Chandrasekaran and after the death of Vaidyalingam Mudaliar, who was declared as Hereditary Trustee by the Deputy Commissioner vide order dated 15.05.1967, Chandrasekaran managed the entire administration of the Temple and he requested the petitioner to assist him in the management only and the petitioner has no right to claim as Hereditary Trustee. After the demise of Chandrasekaran, the fifth respondent has made an application to recognize him as Hereditary Trustee and after hearing the other legal heirs of Vaidyalingam Mudaliar,



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and Chandrasekaran and based on the documents, the fifth respondent was appointed as Hereditary Trustee of the Temple.

5. Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1 to 3, the learned Government Advocate (Crl.side) appearing for the respondent No.4 and the learned counsel appearing for the respondent No.5

6. It appears that one Vaidyalingam, son of Ganapathy Mudaliar, was declared as hereditary Trustee of the aforesaid Temple by the Deputy Commissioner in O.A.No.21 of 1996 vide order dated 15.05.1967 and he had managed the Temple and died in the year 1979 leaving behind his legal heirs, Chandrasekaran, Sivagurunathan, Ponnumani, Vijayakumari and Kalaiarasi. Thereafter, his elder son, namely, Chandrasekaran, succeeded to the Hereditary Trusteeship and due to his old age, he requested the petitioner only to assist him in the Management of the Temple and was not recognized as Hereditary Trustee and there is no proof to show that the



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petitioner was recognized as Hereditary Trustee. After the death of Chandrasekaran, the fifth respondent, who is the son of Chandrasekaran, has made application to appoint him as Hereditary Trustee before the first respondent and after obtaining no objections from the other legal heirs of Vadiyalingam and Chandrasekaran and considering the documents, the first respondent has appointed the fifth respondent as Hereditary Trustee and directed the petitioner to hand over the key and documents relating to the Temple to the fifth respondent vide impugned orders dated 25.02.2021 and 15.04.2021. This Court does not find any error in the impugned orders dated 25.02.2021 and 15.04.2021 passed by the first respondent.

7. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Connected miscellaneous petitions are closed.

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



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M.DHANDAPANI, J.

ssb

To

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