



*W.P.(MD) No.15335 of 2024*

**WEB COPY** BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED: 11.07.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE C.SARAVANAN**

**W.P.(MD) No.15335 of 2024  
and  
W.M.P.(MD)Nos.13436 & 13437 of 2024**

Ramar Poosari

... Petitioner

**Vs.**

1.The Commissioner,  
HR and CE Department,  
Uthamar Gandhi Salai,  
Nungambakkam,  
Chennai.

2.The Assistant Commissioner/Executive Officer,  
Arulmigu Mariamman Thirukovil,  
Irukkankudi.

3.Arulmigu Mariamman Thirukovil,  
Irukkankudi,  
Through its Chairman,  
Board of Trustees,  
Irukkankudi.

4.The Joint Commissioner,  
HR and CE Department,  
Madurai.

... Respondent



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**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records pertaining to the impugned proceedings of the first respondent in R.P.No.230/2020/D2 dated 26.03.2024 and quash the same in so far as the findings relating and directions in paragraphs 12 to 16 are concerned.

For petitioner : Mr.P.Thiagarajan

For respondents : Mr.P.Subbaraj  
Special Government Pleader for R1 to R4  
Mr.VR.Shanmuganathan  
Standing Counsel for R2  
Mr.N.Dilip Kumar for R2

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**ORDER**

The petitioner is one of the Trustees/Poosaries of Arulmigu Mariamman Thirukovil, Irukkankudi, Sattur Taluk, Virudhunagar.

2. The petitioner is one among the nine Trustees-cum-Poosaries of the aforesaid Temple. The petitioner has challenged the impugned order in R.P.No. 230 of 2020-D2 and 50/2021-D2, passed by the first respondent.

3. The petitioner is aggrieved only by the last paragraph of the impugned



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order, which reads as under:

*“The Joint Commissioner, Madurai is directed to initiate and conduct detailed enquiry to find out whether they can be doubled as Trustees cum Poojaries and to find out whether the Board order 1908 dated 11.04.1940 needs to be revisited, considering the various judgement and present situations and also directed to verify the qualifications of the poojaries who are presently working in the temple, in accordance with Rule 7(b) – Annexure VII of The Tamil Nadu Hindu Religious Institutions Employees (conditions of Service) Rules framed under the H.R. & C.E. Act, 1959, and initiate further action, if necessary, as it may deem fit and proper.”*

4. The above direction to the fourth respondent/Joint Commissioner is purportedly under Section 55(2) of the TNHR&CE Act, 1959 as amended and replaced by the Tamil Nadu Act No.2 of 1971. The reasoning of the first respondent/Commissioner for the above directions is under:

*“Section 55 as referred above, was amended by amending Act of 1970, which came into force on 09.08.1971 and under the amended Act the principles of next in line was abolished and when the same was challenged, a Constitution Bench of Supreme Court in Seshammal and others vs. State of Tamil Nadu (A.L.R.1972 SC 1586; (1972) 2 SCC 11; (1973) 1 MLJ 58), upheld the above State amendment.”*

5. The Board had earlier suspended three of the Poosaries namely, Ramar



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Poosari, Kathiresan Poosari and Ariram Poosari. These Poosaries had filed appeals before the fourth respondent/Joint Commissioner in Appeal Nos.1 to 3 of 2020 under Section 56(2) of the TNHR&CE Act, 1959.

6. The Joint Commissioner/fourth respondent had dismissed the appeals by order dated 08.10.2020. Aggrieved by the same, the three of the suspended Poosaries namely, Kathiresan Poosari, Ramar Poosari and Ariram Poosair had filed Revision Petitions in R.P.No.230/2020-D2, 50/2021-D2 and 229/2020-D2, respectively. R.P.No.229/2020/D2 filed by the said Ariram Poosari, however, withdrawn.

7. It is submitted that the impugned notice, content of which has been extracted above, is beyond the scope of the reference in the respective Revisions Petitions filed by the respective petitioner namely, Raman Poosari and two other Poosaries namely, Kathiresan Poosari and Ariram Poosari. Hence, it is submitted that the impugned order is liable to be quashed.

8. That apart, it is submitted that the petitioner should have been issued



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notice as the impugned order threatens the very status of the petitioner to act both as the Poosari and the Trustee of the aforesaid Temple.

9. It is submitted that without notice, such an order could not have been passed.

10. The above submission is opposed by the learned Special Government Pleader for the official respondents 1 and 4, the learned Standing Counsel for the second respondent 2 and the learned counsel for the third respondent.

11. It is submitted that the apprehension of the petitioner is misplaced as there is no decision taken and that there is only a direction to the Joint Commissioner/fourth respondent to conduct detailed enquiry to find out whether a Poosari can also be doubled as a Trustee in the light of Section 55(2) of the TNHR&CE Act, 1959, as amended by the Tamil Nadu Act No.2/1971.

12. I have considered the arguments advanced by the learned counsel for the petitioner, learned Special Government Pleader for the official respondents 1



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and 4, the learned Standing Counsel for the second respondent 2 and the learned counsel for the third respondent.

13. In my view, although there is an eminent threat in the impugned order, the impugned order does not prejudice the petitioner as no decision has to be taken as to whether the petitioner has to be removed from the dual post of Poosari and Trustee of the aforesaid Temple. The first respondent/Commissioner has merely directed the fourth respondent/Joint Commissioner to re-examine the issue in the light of the Section 55(2) of the TNHR&CE Act, 1959 and in the light of the decision of the Hon'ble Supreme Court in ***Seshammal and others vs. State of Tamil Nadu reported in A.L.R. 1972 SC 1586.***

14. Considering the same, there is no merits in this Writ Petition and this Writ Petition is therefore, liable to be dismissed.

15. Suffice to state that if any adverse action to be taken, which disturbs the current status of the petitioner both as the Trustees and the Poosari, the petitioner has to work out remedy under law.



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16. The petitioner shall be heard by the fourth respondent/Joint Commissioner pursuant to the impugned order of the first respondent/Commissioner.

This Writ Petition is dismissed with above directions. No costs.  
Consequently, connected miscellaneous petitions are closed.

Index : Yes / No  
Internet : Yes / No  
apd

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**C.SARAVANAN, J.**

apd

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