



W.P.(MD) No.23212 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE **K.KUMARESH BABU**

**W.P.(MD) No.23212 of 2024 &
WMP.Nos. 19655 to 19657 of 2024**

G.P.S.Garudappa Ramanujan

... Petitioner

/vs./

1.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Tuticorin.

2.The Inspector,
Hindu Religious and Charitable Endowments office,
Eral, Tuticorin District.

3.The Executive Officer,
Arulmigu Adinathar Alwar Thirukovil,
Alwarthirunagari. Tuticorin District.

4.The Chairman,
Board of Trustees,
Arulmigu Adinathar Alwar Thirukovil,
Alwarthirunagari,
Tuticorin District.

5.T.Tirumalachariar

... Respondents

(R3 is amended vide Court order dated 01.10.2024 in W.P.(MD).No.23212 of 2014



W.P.(MD) No.23212 of 2024

WEB COPY

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records on the file of the fourth respondent and quash the proceedings in the impugned resolution No.18, dated 29.07.2024 as illegal, incompetent, and further restrain the respondents 1 to 4 herein from giving Theertham to the fifth respondent as Kaingariyathar (கைங்கரியதாரர்) and for consequential orders.

For Petitioner : Mr.Ragavachari Sr.Counsel for
Mr.S.Ramesh

For Respondents : Mr.C.Guhaseelarupan for RR3 to R4

Mr.A.V.Arun for R5

Mr.P.Subbaraj, Spl.G.P., for RR1 & 2

ORDER

It has been brought to the notice of this Court that the petitioner has to invoke the powers of the Joint Commissioner under Section 63(e) of the Tamil Nadu Hindu Religious & Charitable Endowments Act, 1959 (hereinafter referred to as 'the Act'). However, the learned counsel appearing for the petitioner would submit that an appeal could not be available against the order passed by the Hereditary Trustee under Section 63(e) and only a Revision could be filed. For better appreciation, the relevant Section is extracted hereunder:-

63. Joint Commissioner or Deputy Commissioner to decide certain disputes and matters:- Subject to the rights of suit or appeal



W.P.(MD) No.23212 of 2024

WEB COPY

hereinafter provided, the (Joint commissioner or the Deputy Commissioner, as the case may be) shall have power to inquire into and decide the following disputes and matters:-

....

(e) whether any person is entitled, by custom or otherwise, to any honour, emoluments or perquisite in any religious institution; and what the established usage of a religious institution is in regard to any other matter.

2. A reading of the said provision, it could be seen that the Joint Commissioner or the Deputy Commissioner shall have the power to enquire into and decide the dispute as to whether a person would be entitled by custom or otherwise to any honour, emolument or perquisite in any religious institution. The hereditary trustee of the Temple had decided to give honour to the fifth respondent herein against which the petitioner is aggrieved.

3. This Court is of the view that an application under Section 63(e) alone would be the remedy available to the petitioner and hence, the Writ Petition is disposed of, with a direction to the petitioner to work out his remedies in the application filed under Section 63 (e) before the Joint Commissioner. The Joint



W.P.(MD) No.23212 of 2024

WEB COPY

Commissioner shall dispose of the said application within a period of six (6) months from the date of receipt of a copy of this order. However, there shall be no order as to costs. Consequently connected Miscellaneous Petitions are closed.

Index : Yes / No
Internet : Yes / No
gba

02.12.2024

To

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4/5



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W.P.(MD) No.23212 of 2024

K.KUMARESH BABU, J.

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