



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2024

CORAM:

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

**W.P.(MD) Nos.28934 and 28935 of 2024**  
**and**  
**W.M.P.(MD) Nos.24537 and 24535 of 2024**

- 1.K.A.Subramanian
- 2.K.A.Pinkalanesan
- 3.K.A.Thaiyal Nayaki

... Petitioners in both W.Ps.,

/vs./

- 1.The Commissioner,  
Tamil Nadu Hindu Religious and Endowment Board,  
Chennai.
- 2.The Joint Commissioner,  
Tamil Nadu Hindu Religious and Endowment Board,  
Tirunelveli.
- 3.The Assistant Commissioner,  
Tamil Nadu Hindu Religious and Endowment Board,  
Tirunelveli.



WEB COPY

4.The Fit Person,  
Arulmigu Viswanatha Swamy Thirukovil,  
V.M.Chatram  
Palayamkottai

5.Arulmighu Viswanatha Swamy Thirukovil,  
rep through its Executive Officer,  
V.M.Chatram,  
Palayamkottai.

6.K.A.Murugappan

7.M.Thaiyal Nayaki

8.K.A.Shanmugavel

... Respondents in both W.Ps.,

**PRAYER in W.P.(MD) No.28934 of 2024:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the 2nd respondent herein in her proceedings in Se.Mu.Na.Ka.No.6640/2022-2/E2 dated 30.10.2024 (Appointment of Fit Person) in respect of Arulmighu Viswanatha Swamy Thirukovil, V.M.Chatram Palayamkottai and quash the same as illegal and without jurisdiction and further direct the 2nd respondent herein to permit the petitioners herein to act as Hereditary Trustees of Arulmigu Viswanatha Swamy Thiru Kovil V.M.Chatram Palayamkottai(in the Vacancy of suspended trustee K.A.Shanmugavel).

**PRAYER in W.P.(MD) No.28935 of 2024:** Writ Petition filed under Article 226



WEB COPY

of the Constitution of India for issuance of Writ of Certiorari, calling for the records of the impugned order passed by the 2nd respondent herein her proceedings in Se.Mu.Na.Ka.No.6640/2022-1/E2 dated 30.10.2024 (Suspension and Framing of Charges) as far as the petitioners herein are concern, in respect of Arulmigu Viswanatha Swamy Thiru Kovil, V.M.Chatram, Palayamkottai and quash the same as illegal and without jurisdiction.

For Petitioners  
in both W.Ps., : Mr.G.Mohankumar

For R1 to R3  
in both W.Ps., : Mr.P.Subbaraj  
Special Government Pleader

### **COMMON ORDER**

W.P.(MD) No.28934 of 2024 has been filed challenging the order passed by the second respondent herein bearing proceedings Se.Mu.Na.Ka.No. 6640/2022-2/E2 dated 30.10.2024 and for the consequential direction to the second respondent to permit the petitioners to act as Hereditary Trustees of Arulmigu Viswanatha Swamy Thiru Kovil V.M.Chatram Palayamkotta in the vacancy of suspended trustee, K.A.Shanmugavel.



WEB COPY

2. W.P.(MD) No.28935 of 2024 has been filed challenging the order passed by the second respondent bearing proceedings Se.Mu.Na.Ka.No.6640/2022-1/E2 dated 30.10.2024.

3. The petitioners claim that they are not the trustees of the temple and therefore, the suspension order passed against them is without any authority. Since the petitioners are not the trustees of the temple, the suspension order passed against them may not be worth a paper. However, a Fit Person has been appointed and the same cannot be challenged by the petitioners, as they cannot be said to be the aggrieved persons, since they are not the trustees of the temple.

4. Therefore, the petitioners are directed to submit their reply to the show cause notice issued to them explaining that even the charges framed against them cannot stand as they are not the trustees. When such a reply is made, the respondents shall consider the same and pass appropriate orders in the manner known to law.



WEB COPY

5. At this juncture, the learned counsel for the petitioners would submit that the petitioners are next in line in succession and therefore, they should be put on notice. However, this Court is of the view that even as per the admission of the petitioners that they are not the trustees at present and therefore, no notice is required to them. As and when the petitioners' right to hold the trusteeship arises and if they are appointed as trustees, then their rights for seeking notice would be available to them.

6. With the aforesaid reasonings and findings, the Writ Petitions stand disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No

**04.12.2024**

Internet : Yes / No

mm

To

1. The Commissioner,  
Tamil Nadu Hindu Religious and Endowment Board,  
Chennai.

5/7



WEB COPY

- 2.The Joint Commissioner,  
Tamil Nadu Hindu Religious and Endowment Board,  
Tirunelveli.
- 3.The Assistant Commissioner,  
Tamil Nadu Hindu Religious and Endowment Board,  
Tirunelveli.



WEB COPY



**K.KUMARESH BABU, J.**

mm

**W.P.(MD) Nos.28934 and 28935 of 2024**

**04.12.2024**