



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-04-2025

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CORAM

**THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**WA No. 812 of 2022 and
O.S.A.Nos.36, 37, 38, 39, 40, 42, 57, 58, 59, 71, 72, 73, 74, 76 and 79 of 2022
and
W.A.Nos.795, 834 & 2365 of 2022 and W.A.No.2790 of 2023
and
Rev.Appln. No.73 of 2025
and
CMP Nos.5519, 2902, 2900, 4691, 4692, 4695, 5460, 5633, 17966 of 2022
and C.M.P.No.23364 of 2023**

W.A.No.812/2022:

1. S.Muthu (since Deceased)
P.Thilak Kumar, S/o.P.Ramaiah, Former
Trustee, Kandakottam Sri Mutukumara
Swamy Devasthanam, No.23/65, Satta
Naicken St, Choolai, Chennai 600 112.

Appellant(s)

Vs

1. The Secretary To Government
Commercial Taxes and Religious
Endowments, Fort St.George, Chennai 009.



2.The Commissioner
Hindu Religious and Charitable
Endowments, Uttamar Gandhi Road,
Nungambakkam, Chennai 34

3.P.Vijaya / The Fir Person
Sree Muthukumaraswamy Devasthanam,
Popularly Known as Kandha Kottam,
Rasappa Chetty Street, Park Town,
Chennai 3.

4.The Joint Commissioner
Hindu Religious and Charitable
Endowments, Uttamar Gandhi Road,
Nungambakkam, Chennai 34

Respondent(s)

PRAYER:

To set aside the common order passed in W.P.No.2301 of 2016 dated 22.03.2021 and 21.10.2021 pending disposal of the writ appeal.

For Appellant(s): Mr.K.Mohanamurali

For Respondent(s): Mr.N.R.R.Arun Natarajan,
Special Government Pleader (HR & CE)
For RR1 & 2
For R.Bharanidharan For R3

O.S.A.Nos.36, 37, 38, 39, 40 & 42 of 2022:

1. P.S.Rudhrakumar
S/o.P.R.Subramanian, Door No.59 and 60,
PRS Complex, Rasappa Chetty Street,
Park Town Chennai-600003.



2. N.B.Selvaraj

S/o.N.Balasubramanian, Door No.60,
New No.22, Vallalar Street, Perikuppam,
Thiruvallur-602001.

3. P.S.Rajasekaran,

S/o.P.R.Subramanian, Door No.59 and 60,
PRS Complex, Rasappa Chetty Street,
Park Town Chennai-600003.

4. M.Vijayakumar

S/o.A.R.Mallikeswaran, New No.5, Old No.2,
12th Cross Road, Dhandeeswarar Nagar,
Velacherry, Chennai-600042.

5. R.Chandrasekar

S/o.K.Ramaswami, 140A, Varadarajan Street,
Sathuma nagar, Chennai-600019.

6. E.Jayakumar

S/o.G.Ekambaram Chetty 12, Kalappa
Achary Street, Park Town,
Chennai-600003.

... Appellant(s) in all the appeals

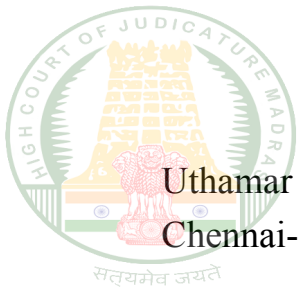
vs.

1. The Commissioner

Hindu Religious and Charitable Endowments
Uthamar Gandhi Adigal Salai, Nungambakkam,
Chennai-600034.

2.The Joint Commissioner

Hindu Religious and Charitable Endowments



Uthamar Gandhi Adigal Salai, Nungambakkam,
Chennai-600034.

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3.Arulmigu Sri Muthukumaraswami Temple
alias Kandaswami Temple 44, Rasappa Chetty Street,
Park Town, Chennai-600003 'rep. by its The Executive Officer.

4.A.B.Srinivasan
S/o.A.T.Balakrishnan, No.29-B, Mettu Street,
Ayanavaram Chennai-600023.

5.E.Kandan
S/o.M.Elappa Chettiar, No.27/118,
Loganathan Street, Krishnapuram,
Ambattur, Chennai-600053.

6.E.Palani
S/o.M.Elappa Chettiar, 104, Ramadoss Street,
krishnapuram, Ambattur, Chennai-600053.

... Respondents(s) in all the appeals

COMMON PRAYER

To set aside the order dated 22.03.2021 and 21.10.2021 made in
A.No.4953/2017; A.No.4954/2017; A.No.4952/2017; A.No.4955/2017;
A.No.4951/2017; A.No.4957/2017 in C.S No.117of 1907.

For Appellant(s):	Mr.K.Chandrasekaran
For Respondent(s):	Mr.N.R.R.Arun Natarajan, Special Government Pleader (HR & CE) For RR1 & 2 Mr.R.Bharanidharan For R3 Mr.K.Mohanamurali For R4



O.S.A.Nos.57, 58 & 59 of 2022:

Sri Muthukumaraswamy Devasthanam
also known as Kandaswamy Temple,
Rep. by Mr.P.Tilak Kumar,
S/o. P.Ramesh, Former Trustee
Kandakottam Sri Muthukumara Swamy Devasthanam
No.23/64, Satta Naicken Street,
Choolai. Chennai 600 112.

... Appellant(s)

Vs.

1.The Secretary to Government,
Commercial Taxes and Religious Endowments,
For St.George, Chennai 600 009.

2.The Commissioner,
Hindu Religious & Charitable Endowments
Uttamar Gandhi Road, Nungambakkam,
Chennai 600 034.

3.Sree Muthukumaraswamy Devasthanam
Popularly known as “Kandha Kottam”
Rasappa Chetty Street, Park Town, Chennai

4.The Joint Commissioner,
Hindu Religious & Charitable Endowments
Uttamar Gandhi Road, Nungambakkam,
Chennai 600 034.

... Respondent(s)

COMMON PRAYER:

To set aside the common order dt.22.03.2021 and 21.10.2021 made in



A.No.3918 /2017; O.A.No.711/2017; A.No.3896/2017 in CS No.117/1907.

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For Appellant(s):

Mr.K.Mohanamurali

For Respondent(s):

Mr.N.R.R.Arun Natarajan,
Special Government Pleader (HR &
CE) For RR1, 2 & 4
Mr.R.Bharanidharan For R3
Not ready in notice for R4

O.S.A.Nos.71, 72, 73, 74, 76 & 79 of 2022:

1. A.B.Srinivasan

S/o.A.T.Balakrishnan, No.29-B, Mettu
Street, Ayanavaram, Chennai - 600 023.

... Appellant

Vs.

1. The Commissioner

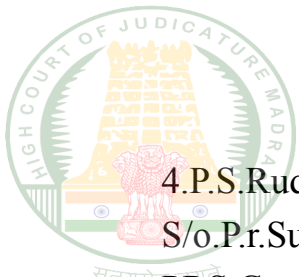
Hindu Religious and Charitable Endowments,
Uttamar Gandhi Adigal Salai, Nungambakkam,
Chennai 600 034.

2.The Joint Commissioner,

Hindu Religious and Charitable Endowments,
Uttamar Gandhi Adigal Salai, Nungambakkam,
Chennai - 600 034.

3.Arulmigu Sri Muthukumaraswamy Temple,

Alias Kandaswami Temple, No.44,
Rasappa Chetty Street, Park Town,
Chennai - 600 003. Rep. by its The Executive Officer.



4.P.S.Rudhrakumar,
S/o.P.r.Subramanian, Door No.59 and 60,
PRS Complex, Rasappa Chetty Street,
Park Town, Chennai - 600 003.

5.N.B.Selvaraj,
S/o.N.Balasubramanian, Door No.60,
New No.22, Vallalar St, Perikuppam,
Thiruvallur 662 001.

6.P.S.Rajasekaran,
S/o.P.R.Suibramanian, Door No.59 and
60, PRS Complex, Rasappa Chetty
Street, Park Town, Chennai - 600 003.

7.M. Vijayakumar,
S/o.A.R.Mallikeswaran, New No.5,
Old No.2, 12th Cross Road, Dhandeeswarar Nagar,
Velacherry, Chennai - 600 042.

8.R.Chandrasekar,
S/o.K.Ramaswami, No.140-A, Varadharajan Street,
Sathuma Nagar, Chennai - 600 019.

9.E. Jayakumar,
S/o.G.Ekambaran Chetty, 12,
Kalappa Achary Street, Park Town,
Chennai - 600 003.

10.E. Kandan,
S/o.M.Elappa Chettiar, No.27/118,
Loganathan Street, Krishnapuram,
Ambattur, Chennai - 600 053.



11.E. Palani,

S/o.M.Elappa Chettiar, No.104,
Ramadoss Street, Krishnapuram,
Ambattur, Chennai - 600 053.

... Respondents

COMMON PRAYER:

To set aside the common order passed in A.No.4952/2017; A.No.4954/2017; A.No.4953/2017; A.No.4957/2017; A.No.4956/2017; A.No.4951/2017 in C.S.No.117 of 1907 dated 22-03-2021 and 21-10-2021.

For Appellant(s):

Mr.K.Mohanamurali

For Respondent(s):

Mr. N.R.R.Arun Natarajan,
Special Government Pleader
(HR & CE) For RR1 & 2

Mr. R.Bharanidhran For R3

Mr.K.Chandrasekaran

For RR4 to 9

No appearance For RR10 & 11

W.A.No.795 of 2022:

S.Muthu (since Deceased)

1.P.Tilak Kumar, S/o.P.Ramaiah, Former Trustee

Kandakottam Sri Muthukumara Swamy Devasthanam

No.23/65, Satta Naicken Street, Choolai,

Chennai- 600 112.

... Appellant

Vs.

1. The Secretary To Government

Commercial Taxes and Religious Endowments Board,

Fort St. George, Chennai- 9.



2.The Commissioner

Hindu Religious and Charitable Endowment Department,
Uthamar Gandhi Road, Nungambakkam, Chennai-34.

3.The Joint Commissioner Cum Election Officer

Hindu Religious and Charitable Endowment Dept,
Sri Muthukumarasamy Devasthanam, Popularly
Known as Kandhakottam, Rasappa Chetty St,
Park Town, Chennai – 3.

4.T.Kaveri

The Joint Commissioner Cum Election Officer,
Hindu Religious and Charitable Endowments Department,
Sri Muthukumarasamy Devasthanam,
Popularly Known as Kandhakottam, Rasappa Chetty St,
Park Town, Chennai 03.

... Respondents

PRAYER

To set aside the common order passed in W.P.No.27681 of 2014 dated 22-03-2021 and 21-10-2021 on the file of this Court.

For Appellant(s): Mr.K.Mohanamurali

For Respondent(s): Mr.P.S.Raman, Advocate General
Assisted by
Mr.K.Karthikeyan,
Government Advocate (HR &
CE) For RR1 & 2
Mr.A.K.Sriram, Senior Counsel
For Mr.R.Bharanidharan
For RR3 & 4



W.A.No.834 of 2022:

S.Muthu (since Deceased)

1.P.Tilak Kumar, S/o.P.Ramaiah, Former Trustee
Kandakottam Sri Muthukumara Swamy Devasthanam
No.23/65, Satta Naicken Street, Choolai,
Chennai- 600 112.

2.Mr.K.S.Ravichandiran,
S/o. T.A.Kalyanasundaram,
No.43/91, Aiya Mudali Street,
Chindatripet, Chennai 600 002.

3.Mr.L.Kandavel,
S/o. P. Loganathan,
Old No.13 New No.10, Old Bangala Street,
Chindadripet, Chennai 600 002.

(Cause title accepted vide court order dated 18.03.2022 made in
CMP No.2871 in WA.SR.No.9232 of 2022 and CMP No.3915 of 2022 in WA.
SR.No.15158/2022 and CMP No.2696 of 2022 in WA SR.No.17339 of 2022)

... Appellants

Vs.

1. The Secretary To Government
Commercial Taxes and Religious Endowments Board,
Fort St. George, Chennai- 9.

2.The Commissioner
Hindu Religious and Charitable Endowment Department,
Uthamar Gandhi Road, Nungambakkam, Chennai-34.

3.Sree Muthukumarasamy Devasthanam,
Popularly Known as “Kandha kottam”,



Rasappa Chetty Street, Park Town, Chennai-600 003.

4. The Joint Commissioner,
Hindu Religious & Charitable Endowments
Uttamar Gandhi Road, Nungambakkam,
Chennai 600 034.

... Respondents

PRAYER:

To set aside the common order passed in W.P.No.15026 of 2017 dated 22-03-2021 and 21-10-2021 on the file of this Court.

For Appellant(s): Mr.K.Mohanamurali

For Respondent(s): Mr.N.R.R.Arun Natarajan,
Special Government Pleader
(HR & CE) For RR1, 2 & 4
Mr.R.Bharanidharan For R3

W.A.No.2365 of 2022:

1. S. Suresh Babu
S/o.Late.Shanmuham, No.60, Arunachalam Street,
Chindadripet, Chennai 600 002.

... Appellants

Vs.

1. The Secretary To Government
Commercial Taxes and Religious Endowments,
Fort Saint George, Chennai 600 009.

2.The Commissioner
Hindu Religious and Charitable Endowments,
Uttamar Gandhi Road, Nungambakkam,
Chennai 600 34.



3.The Joint Commissioner/Election Officer
Hindu Religious and Charitable Endowments,
Sree Muthukumaraswamy Devasthanam
popularly known as Kandha Kottam ,
Rasappa Chetty Street, Park Town,
Chennai - 600 003.

4.K.Sendilvellan
S/o.Kumaragugu, No.14/125, Murali Street,
Mahalingapuram, Chennai 600 034.

PRAYER:

To set aside the common order passed in W.P.No.23560 of 2014 dated 22.03.2021 and 21.10.2021 on the file of this Hon'ble Court and allow the W.P.No.23560 of 2014 and pass such further or other orders and thus render justice.

For Appellant(s): Mr.K.Mohanamurali

For Respondent(s): Mr.N.R.R.Arun Natarajan,
Special Government Pleader
(HR & CE) For RR1 & 2

Mr.R.Bharanidharan For R3

Mr.R.Singaravelan, Senior Counsel
For Mr.M.Muruganantham for R4

W.A.No.2790 of 2023:

1. K.Sendilvellan
S/o Kumaraguru, No.14/125, Murali Street,
Mahalingapuram, Chennai-600034.



... Appellant

Vs.

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1. S.Suresh Babu

S/o late Shanmuham, No.60, Arunachalam Street,
Chindadripet, Chennai-600002.

2.The Secretary to Government

Commercial Taxes and Religious Endowments,
Fort St.George, Chennai-600009.

3.The Commissioner

Hindu Religious and Charitable Endowment, Uttamar Gandhi Road,
Nungambakkam, Chennai-600034.

4.The Joint Commissioner/Election Officer

Hindu Religious and Charitable Endowments,
Sree Muthukumaraswamy Devasthanam,
Popularly known as Kandha Kottam, Rasappa Chetty Street,
Park town, Chennai-600003.

PRAYER:

To set aside the order in WP No.23560 of 2014 dated 22.03.2021 and 21.10.2021.

For Appellant(s): Mr.R.Singaravelan,
Senior Counsel
for Mr.M.Muruganantham

For Respondent(s): Mr.K.Mohanamurali For R1
Mr.N.R.R.Arun Natarajan,
Special Government Pleader (HR
& CE) For RR2 to 4



REV.APPL No. 73 of 2025

1. S.Muthu (since died),

P.Tilak Kumar

S/o.P.Ramaiah, Former Trustee,

Kandakottam Sri Mutukumara Swamy Devasthanam,

No.23/65, Satta Naicken St, Choolai, Chennai 600 112

... Review applicant/Appellant

vs.

1. The Secretary To Government

Commercial Taxes and Religious Endowments,

Fort St.George, Chennai 009.

2.The Commissioner

Hindu Religious and Charitable Endowments,

Uttamar Gandhi Road, Nungambakkam,

Chennai 34.

3.P.Vijaya /The Fit Person

Sree Muthukumaraswamy Devasthanam,

Popularly Known as Kandha Kottam,

Rasappa Chetty Street, Park Town,

Chennai 3.

4.The Joint Commissioner

Hindu Religious and Charitable Endowments,

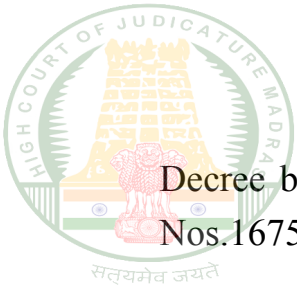
Uttamar Gandhi Road, Nungambakkam,

Chennai 34.

... Respondents

PRAYER

To review the order passed by this Hon'ble Court on 19.02.2025 in WA No.812 of 2022 and direct elections to be conducted as per clause 10 of the Scheme



Decree by the fit Person in terms of the order dated 04.08.2008 made in WP Nos.16756 and 17847 of 2008.

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For Appellant(s): Mr.V. Anilkumar

For Respondent(s): Mr.N.R.R.Arun Natarajan,
Special Government Pleader (HR
& CE) For RR1, 2 & 4

Mr.R.Bharanidharan For R3

COMMON ORDER

(Order of the Court was made by S. M. Subramaniam J.)

Multiple litigations have been instituted to resolve the dispute relating to appointment of non-hereditary trustees in Sri Muthukumara Swamy Devasthanam popularly known as “Kanda kottam” at Park Town, Chennai.

2. In pursuance to the interim orders of this Court, a retired High Court Judge has been appointed as an interim Administrator to look after the administration of the Temple in entirety.

3. Mr.P.S.Raman, learned Advocate General appearing on behalf of the State would mainly contend that the Government is ready and willing to appoint 5 non-hereditary trustees under the provisions of the HR & CE Act, if the



erstwhile non-hereditary trustees along with other members have arrived a consensus and suggest 8 names to the Government for consideration.

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4. Therefore, time was granted by this Court to the erstwhile non-hereditary trustees to convene meeting with other members and arrive a consensus and suggest 8 untainted candidates for consideration of the competent authority. The erstwhile non-hereditary trustees in-consultation with other members arrived a consensus and submitted a list of 8 candidates for selection and appointment as non-hereditary trustees under the HR & CE Act. All the 8 candidates listed belong to Beri Chetty Community.

5. In view of Section 65 of the HR & CE Act, the scheme existed prior to the HR & CE Act need not be acted upon by the competent authorities in the present case under the HR & CE Act more specifically for appointment of non-hereditary trustees for the Temple. The 8 names sponsored by the erstwhile non-hereditary trustees was forwarded to the Joint Commissioner, HR & CE Department, who in turn, sent a proposal to the Commissioner, HR & CE Department. The Commissioner submitted a report to the Government for



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appointment of 5 candidates from amongst 8 candidates sponsored as non-hereditary trustees of Sri Muthukumara Swamy Devasthanam popularly known as “Kanda kottam”.

6. The learned Special Government Pleader furnished the copy of the Government Order issued in G.O.(P)No.182, Tourism, Cultural and Endowments Department dated 10.04.2025. The Government appointed 5 non-hereditary trustees by selection under Section 47(1) (a) (iii) of the HR & CE Act. Thus, the issue relating to appointment of non-hereditary trustees have been resolved in view of selection and appointment of 5 candidates as non-hereditary trustees to the Temple under G.O.(P)No.182, Tourism, Cultural and Endowments Department dated 10.04.2025. The appointed non-hereditary trustees by the Government have to take over the administration of the Temple.

7. As far as the Review Petition No.73 of 2025 is concerned, it is filed to review the interim order passed by this Court on 19.02.2025 in Writ Appeal No.812 of 2022.



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8. The learned counsel for the review petitioner would submit that the review petitioner had not participated in the meeting convened by the erstwhile non-hereditary trustees along with other members for the purpose of sponsoring 8 untainted candidates to the Government for selection and appointment as non-hereditary trustees in the Temple.

9. This Court is of the considered view that non-participation of the review petitioner in a meeting or his dissenting view to sponsor candidates would be of no assistance for the purpose of reviewing the order passed by this Court on 19.02.2025 in W.A.No.812 of 2022. The Order dated 19.02.2025 was passed by this Court, mainly based on the submission of the learned Advocate General Mr.P.S.Raman, that State agreed to select and appoint 5 non-hereditary trustees under the provisions of the HR & CE Act, if the erstwhile non-hereditary trustees along with their members sponsored 8 names of untainted candidates for consideration. The review petitioner has not made out any error apparent warranting exercise of the review powers and thus, the Rev.Appln. No.73 of 2025 stands dismissed. However, if any grievance exists to the review



petitioner regarding selection and appointment of non-hereditary trustees, he is at liberty to redress his remedy in the manner known to law.

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10. Since 5 non-hereditary trustees have been appointed by the Government in G.O.(P)No.182, Tourism, Cultural and Endowments Department dated 10.04.2025, the appointment of an interim Administrator stands terminated. The learned interim Administrator is directed to handover the administration to the newly appointed non-hereditary trustees as per G.O.(P)No.182, Tourism, Cultural and Endowments Department dated 10.04.2025 within a period of two weeks from the date of receipt of a copy of this order. The entire administration of the Temple and all its affairs are directed to be handed over by the learned Administrator in the presence of the Executive Officer of the Temple. The Temple administration and the competent authorities under the HR & CE Act are directed to administer and control the affairs of the administration of the Temple scrupulously under the provisions of the HR & CE Act and Rules and in the manner known to law.



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11. It is made clear that the Commissioner and the competent authorities under the HR & CE Act are duty bound to monitor the administration and the affairs of the Temple. In the event of any irregularity, illegality or otherwise, all appropriate actions against all persons responsible and accountable are to be initiated by following the procedures as contemplated under the relevant provisions of the Act and rules, including the educational institutions and the properties belonged to Sri Muthukumara Swamy Devasthanam popularly known as “Kanda kottam”.

12. Accordingly, all the Writ Appeals and the Original Side Appeals are disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are also stands closed.

(S.M.SUBRAMANIAM J.) (K.RAJASEKAR J.)

21-04-2025

ssi

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

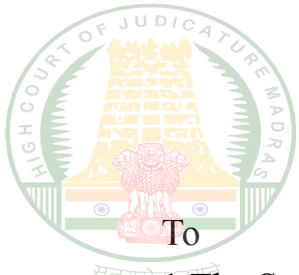
Neutral Citation: Yes/No



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WA No.812 of 2022 and etc., batch





WA No. 812 of 2022

To

1.The Secretary To Government
Commercial Taxes and Religious
Endowments, Fort St.George,
Chennai 009.

2.The Commissioner
Hindu Religious and Charitable
Endowments, Uttamar Gandhi Road,
Nungambakkam, Chennai 34.

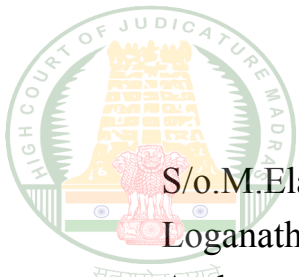
3.P.Vijaya / The Fir Person
Sree Muthukumaraswamy
Devasthanam, Popularly Known as
Kandha Kottam, Rasappa Chetty Street,
Park Town, Chennai 3.

4.The Joint Commissioner
Hindu Religious and Charitable
Endowments, Uttamar Gandhi Road,
Nungambakkam, Chennai 34.

5.Arulmigu Sri Muthukumaraswami Temple
alias Kandaswami Temple 44, Rasappa
Chetty Street, Park Town, Chennai-600003
'rep. by its The Executive Officer.

6.A.B.Srinivasan
S/o.A.T.Balakrishnan, No.29-B, Mettu Street,
Ayanavaram, Chennai-600023.

7.E.Kandan



S/o.M.Elappa Chettiar, No.27/118,
Loganathan Street, Krishnapuram,
Ambattur, Chennai-600053.

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8.E.Palani

S/o.M.Elappa Chettiar, 104, Ramadoss
Street, krishnapuram, Ambattur,
Chennai-600053.

9.P.S.Rudhrakumar,

S/o.P.r.Subramanian, Door No.59 and 60,
PRS Complex, Rasappa Chetty Street,
Park Town, Chennai - 600 003.

10.N.B.Selvaraj,

S/o.N.Balasubramanian, Door No.60,
New No.22, Vallalar St, Perikuppam,
Thiruvallur 662 001.



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WA No.812 of 2022 and etc., batch



S.M.SUBRAMANIAM J.
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