



W.P.No.10890 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 28.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.10890 of 2025

and

W.M.P.Nos. 12284 & 12285 of 2025

1. C.VARADHARAJAN
2. C.SRIDHARAN

... Petitioners

Vs

1. THE COMMISSIONER,
HINDU RELIGIOUS AND CHARITABLE
ENDOWMENT DEPARTMENT (HR & CE),
ADMINISTRATION DEPARTMENT,
119, UTHAMAR GANDHI ROAD,
NUNGAMBAKKAM HIGH ROAD,
CHENNA- 600 034.
2. THE JOINT COMMISSIONER,
OFFICE OF JOINT COMMISSIONER,
HINDU RELIGIOUS AND CHARITABLE
ENDOWMENT (HR & CE) DEPARTMENT,
CUDDALORE-607 001.
3. THE INSPECTOR,
HINDU RELIGIOUS AND CHARITABLE
ENDOWMENT (HR & CE) DEPARTMENT,
ANDIMADAM,
ARIYALUR DISTRICT-621 801.
4. THAKKAR / FIT PERSON,
ARULMIGU VARADHARAJA PERUMAL TEMPLE
AND ALSO, THE EXECUTIVE OFFICER,
ARULMIGU KAZHUMALAINATHASWAMY TEMPLE,
JAYANKONDAM, ARIYALUR DISTRICT-621 802.

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceeding No.Se.Mu.Na.Ka.8220/2024/A4 dated 10.09.2024 passed by the second respondent/Joint Commissioner of Hindu Religious and Charitable Endowment (HR & CE) Department, Cuddalore by appointing Thakkar/Fit Person to the Arulmigu Varadharaja Perumal Temple, Olaiyur Village, Udayarpalayam Taluk, Ariyalur District During the pendency of the hereditary trustee dispute over the above temple vide, A.S.178/2024 before this Court and quash the appointment of the fourth respondent/Thakkar / Fit Person on 10.09.2024.

For Petitioner : Mr.R.Muthu Krishnan

For R1 to R4 : Mr.N.R.R.Arun Natarajan
Special Government Pleader

ORDER

This writ petition is filed with challenging the impugned order dated 10.09.2024 made in proceeding No.Se.Mu.Na.Ka.8220/2024/A4. By the impugned order, a fit person has been appointed to administer Arulmigu Varadharaja Perumal Temple, Olaiyur Village, Udayarpalayam Taluk, Ariyalur District.

2. Upon hearing the learned counsel appearing for the petitioner and the

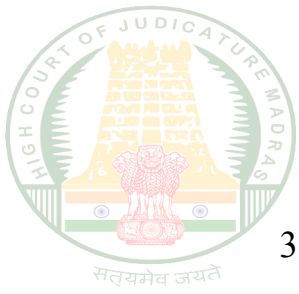


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learned Special Government Pleader appearing for the respondents 1 to 4 and perusing the affidavit filed in support of the writ petition and the material records of the case, the grievance of the petitioner seems to be that he is the hereditary trustee of the temple. He also acts as the Gurukul of the temple. When he made the application to recognize himself as the hereditary trustee, the same was allowed in O.A. No. 26 of 1990. However, on appeal in A.P.Nos.16 of 1998 and 17 of 1998, the appeal petitions were allowed and his recognition as the hereditary trustee was set aside. Aggrieved by this, he filed O.S. No. 69 of 2004 before the Subordinate Judge, Ariyalur. However, by a judgment and decree dated 20.10.2023, the suit was dismissed. He has preferred an appeal in A.S.No.178 of 2024 before this Court and the same is pending. Now, it is only the petitioner who has been managing the temple. Suddenly, by the impugned order, a fit person has been appointed and therefore, the petitioner is before this Court.

3. The learned counsel appearing for the petitioner submits that when there is no complaint whatsoever and when the first appeal is pending and the petitioner has been managing the temple for over 20 years, the necessity for appointing a fit person does not arise.



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3. Per contra, the learned Special Government Pleader appearing for the respondents 1 to 4 would submit that the order dated 10.09.2024 has already been implemented and the fit person has taken charge. The petitioner continues only as a Gurukal and not in the capacity of the hereditary trustee.

4. I have considered the rival submissions made on either side and perused the material records of the case.

5. The claim of the petitioner is that he is the hereditary trustee. However, the same was decided against the petitioner and presently the appeal suit is pending. Therefore, the right of the petitioner as hereditary trustee will depend on the outcome of A.S. No.178 of 2024. As and when the appeal suit is held in favour of the petitioner, the petitioner can always make the claim and the management can be handed over to him. In the meantime, since the matter is pending in Court, I do not find any error in appointing a fit person to administer the temple.

6. Accordingly, keeping open the rights of the petitioner to approach the respondents if and when the final orders are passed in favour of him in A.S.No.178 of 2024, this writ petition is disposed of. Consequently, connected



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miscellaneous petition are closed. No costs.

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Neutral Citation: Yes/No
nsl

To

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ADMINISTRATION DEPARTMENT,
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D.BHARATHA CHAKRAVARTHY, J.

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