



W.P.No.3948 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 04.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.3948 of 2025
and
WMP.Nos.4382 & 4383 of 2025

S.Gowriammal

... Petitioner

Vs.

- 1.The Joint Commissioner
Hindu Religious and Charitable Endowment Board
College Road, (Ward No.1), E.V.K.Sampath Complex
(DPI Complex)
Chennai 600 006.
- 2.The Deputy Commissioner /
The Assistant Commissioner/
Executive Officer
Hindu Religious and Charitable Endowment Board
Arulmigu Vadapalani Andavar Temple
Vadapalani
Chennai 600 026.
- 3.The Commissioner
Hindu Religious and Charitable Endowment Board
Uttamar Gandhi Salai
Nungambakkam, Chennai 600 034.



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4. The Assistant Commissioner

Hindu Religious and Charitable Endowment Board

Uttamar Gandhi Salai

Nungambakkam, Chennai 600 034.

....Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent pertaining to order dated 12.08.2024 in proceedings bearing No.Che.Mu.Nada.Na.Ka.No.3083/2024-A1 and quash the same and consequently forbear the respondents from interfering with the administration of the petitioner and her sons over Arulmigu Agilanda Kodi Siddhi Vinayagar Matrum Ellaiyamman Thirukovil.

For Petitioner : Mr.Hariharan.E

For Respondents : Mr.N.R.R.Arun Natarajan
Special Government Pleader
for R1 to R4 (HR & CE)



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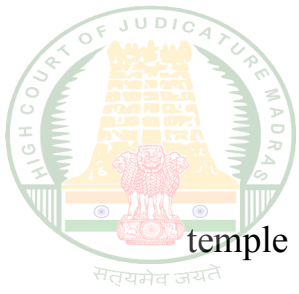
ORDER

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This Writ Petition is filed challenging the impugned order dated 12.08.2024. By the said the order, a fit person is appointed to administer the temple namely *M/s.Arulmigu Agilanda Kodi Siddhi Vinayagar Matrum Ellaiyamman Thirukovil*.

2. The brief factual background in which this Writ Petition arises is that originally the petitioner had filed a Civil Suit in O.S.No.1068 of 2008 for permanent injunction restraining the officials from interfering with the peaceful possession and management of the suit temple including the insistence for submitting accounts with regard to the suit temple and for cause. The said suit was resisted by the respondent by contending that the temple in question was a public temple. In the teeth of the said pleadings, three issues were framed in the said suit.

3. The issue with reference to whether the temple is a public temple or a private temple was also answered in the said suit against the petitioner and in favour of the defendant holding that the temple is a public



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temple even though the plaintiff's family members were appointed as Hereditary Trustees. That being the situation, the stand of the petitioner and her son that they will no more submit any accounts to the department cannot be countenanced. The judgement and decree passed in the suit as early as on 03.02.2011 has become final. In the present proceedings, the son of the petitioner claiming himself to be the Hereditary Trustee, has also participated in the enquiry and due opportunity has been given to him.

4. In view thereof, the Writ Petition fails for two reasons;

(i) Firstly, when the petitioner being the wife of the original Hereditary Trustee or her sons did not submit any accounts, there is nothing wrong in the department appointing a fit person. (ii) Secondly, the claim of the petitioner is that the temple is a private temple and that has been negated by the Competent Civil Court and thereafter they cannot now fall back upon the status of administrator of the temple. As a matter of fact, they abandoned their right to administer the temple by claiming ownership of the very temple itself and when that is negated by the Civil Court, thereafter



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there is no further right to be in the administration of the temple. A person who claims ownership to the temple and if the claim is negated by the Civil Court, can no more be in the administration of the temple itself. In that situation, I do not find any error whatsoever in the order passed by the respondent Authority and finding no merits, this Writ Petition stands dismissed.

5. The learned counsel appearing for the petitioner at this stage would submit that when the temple is being peacefully administered by the community in the exercise of the power, the State cannot increasingly interfere. Needless to state that the respondent Authorities shall commence the exercise of appointing the trustees in the manner known to law. No costs. Consequently, connected Miscellaneous Petitions are closed.

04.02.2025

Neutral Citation : No
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