

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2025

WEB COPY

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.25909 of 2012

and

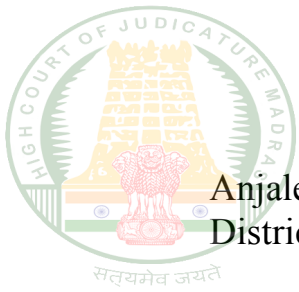
M.P.No.1 of 2012

1. Vadivambal
2. M.Tamilselvi
3. D.Chithra ... Petitioner(s)

Vs.

1. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Salem, Salem District.
2. The Executive Officer,
A/m. Ilayaperumal @ Venkataramanasamy Temple,
Korahuttai, Iryamangalam Village,
Chozhasiramani (via) Thiruchengode Taluk,
Namakkal District. ... Respondent(s)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent dated 28.05.2012 made in Se.Mu.Na.Ka.No.12602/2011/A2 and quash the impugned order of the first respondent insofar as it relates to the appointment of the 2nd respondent as a Fit person of the Temple vis. Arulmighu Anjalaendhi Perumal Temple, situated at Patlur Village, Thiruchengode Taluk, Namakkal District and direct the first respondent to record any one of the petitioner as Fit Person to the Temple Arulmighu



Anjalendhi Perumal, Patlur Village, Thiruchengode Taluk, Namakkal District.

For Petitioner(s) : M/s.Sumitra

For Respondent(s) : Mr.S.Ravichandran,
Additional Government Pleader
(HR&CE)

ORDER

This writ petition has been filed challenging the proceedings bearing Se.Mu.Na.Ka.No.12602/2011/A2 dated 28.05.2012, whereby the father of the petitioner, who was acting as hereditary trustee of Ilayaperumal @ Venkataramanasamy Temple, Korahuttai, Iryamangalam Village, Chozhasiramani (via) Thiruchengode Taluk, Namakkal District, was placed under suspension and the second respondent herein was appointed as a fit person in exercise of powers under Sub-Section (4) of Section 53 of Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

2. Though this writ petition is of the year 2012, no counter-affidavit is filed by the respondents as on date.

3. The petitioners herein are the wife and two daughters of the hereditary trustee, by name Mr.Devarajan. In terms of Sub-Section (4) of Section 53 of the Act, 29159, in case of suspension of a hereditary trustee on



WEB COPY

ground of misconduct, pending disposal of the charges framed against the trustee, the appropriate authority is empowered to appoint a fit person to discharge the duties and functions of the trustee.

4. Sub-Section (2) of Section 54 of the Act, 1959, provides for filling up of temporary vacancies occurs in the office of a hereditary trustee by reason of suspension of the hereditary trustee under Sub-Section (3) of Section 53 by the persons next in the line of succession, till the disability of trustee ceases to exist. The petitioners herein are the persons next in the line of succession to the hereditary trustee, by name Mr.Devarajan. It is only in the event of dispute with regard to persons next in line of succession, or in the event of hereditary trustee being a minor or not fit or willing to act as such hereditary trustee, or in case of dispute respecting the person who is entitled to act as hereditary trustee etc., that Respondent No.1 can appoint a fit person to perform the functions of the trustee of the institution until the disability of the hereditary trustee ceases or another hereditary trustee succeeds to office.

5. But, in the instant case, the Respondent No.1, instead of exercising



WEB COPY

the power under Sub-Section (2) of Section 54 and in accordance with the mandate of the said provision and without exhausting the procedure contemplated therein, straightaway appointed the second respondent herein as a fit person. Sub-Section (4) of Section 53 and Sub-Section (2) of Section 54 have to be read conjointly while filling up of temporary vacancies in the post of hereditary trustee. But in the instant case, the Respondent No.1 totally lost sight of the same and proceeded to appoint the second respondent herein as a fit person.

6. It is also further brought to the notice of this court that, inspite of lapse of more than 13 years since the date of issuance of the impugned proceedings, the hereditary trustee, by name Mr.Devarajan, is still being continued under suspension and the second respondent is allowed to continue as a fit person. Such an action is totally contrary to the mandate of Sections 53 or 54. Continuance of third party as a fit person, who was appointed to fill up the temporary vacancy occurred in the post of hereditary trustee for such a long time is highly arbitrary and illegal.

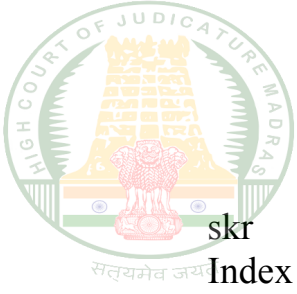
7. In the circumstances, this court is thoroughly convinced that the



WEB COPY

continuance of the hereditary trustee under suspension for more than 13 years without initiating any action against him is highly arbitrary and violative of Articles 14, 19 & 21 of the Constitution of India. In the circumstances, the impugned proceedings bearing Se.Mu.Na.Ka.No.12602/2011/A2 dated 28.05.2012, cannot be sustained and accordingly, the same is quashed and the Respondent No.1 is further directed to examine whether the hereditary trustee by Mr.Devarajan can be re-inducted as 'Hereditary Trustee' of the institution in question or not and in case, if the first respondent is of the view that such re-induction is not in the interest of the institution, the Respondent No.1 shall appoint any one of the petitioners herein to fill up the vacancy in the post of 'Hereditary Trustee' by issuing appropriate proceedings, as expeditiously as possible, at any rate within a period of four weeks from the date of receipt of a copy of this order. Till consequential orders, as directed above, are passed by the first respondent *status quo* as on date in respect of the affairs of the institution in question shall continue.

8. Accordingly, the writ petition is allowed. No costs. Connected miscellaneous petitions, if any shall stand closed.



W.P.No.25909 of

08.08.2025

skr

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

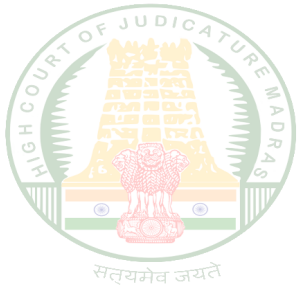
MUMMINENI SUDHEER KUMAR, J.

skr

To

1. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Salem, Salem District.
2. The Executive Officer,
A/m. Ilayaperumal @ Venkataramanasamy Temple,
Korahuttai, Iryamangalam Village,
Chozhasiramani (via) Thiruchengode Taluk,
Namakkal District.

W.P.No.25909 of 2012



WEB COPY

W.P.No.25909 of



08.08.2025