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Cont.P.No.931 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:17.03.2025

Coram:

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Contempt Petition No.931 of 2025

1.K.Shanmugavel Mudaliar,
S/o Kumarasamy,
Managing Hereditary Trustee,
A/M Agastheeswarar and other allied Temples,
Pozhichalur, Chennai 600 074.

2.Kumarasamy, (aged 21 years),
S/o K.Shanmugavel Mudaliar,

3.S.Kaaviya laxmy (aged 22 years),
D/o K.Shanmugavel Mudaliar,
Petitioners all are residing at
8/426A, Pozhichalur Main Road,
Pozhichallur, Chennai 600 074.

... Petitioners

/versus/

1.Mr.Sridhar, I.A.S.,
The Commissioner,
Hindu Religious & Charitable,
Endowments Administration Department (HR & CE),
Chennai 600 034.



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2.Mr.Kumaradurai,
The Joint Commissioner,
HR & CE Department, Kanchipuram.

3.Mr.Muthu Raj,
The Executive Officer/Fit Person,
A/M Ranganatha Perumal Temple,
Thiruneer Malai, Chennai 600 132.

4.Mr.Saravana Kumar,
The Inspector of Police,
T4, Sankar Nagar Police,
Sankar Nagar, Pammal Chennai 75.

5.Mr.K.Thirumali Kumar,
Executive Officer,
A/M Thirusulanathswam Temple ,
Thirusulam, Chennai 600 043.

6.Mr.K.Kumaravel,
Executive Officer/Fit Person,
A/M Kandasamy Temple,
Thiruporur, Chengalpattu.

.. Respondents

Contempt Petition has been filed under Section 11 of Contempt Act, praying to punish the respondents 1 to 3 and 5,6 for the wilful and wanton violation of the orders of this Hon'ble Court dated 25.05.2024 in W.M.P.No.15384 & 15385 of 2024 in W.P.No.14190 of 2024.



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For Petitioners :Mr.S.Sarath Kumar

For Respondents :Mr.N.R.R.Arun Natarajan
Spl.G.P (HR & CE) for R1 to R3
Dr.C.E.Pratap, GA(Crl.Side) for R4

ORDER

The contempt petition is filed bringing to the notice of this Court the wilful disobedience of the order of this Court dated 20.05.2024 made in W.P.No.14190 of 2024. An order that was passed in the said writ petition reads as follows, and it is essential to extract paragraph 3 to 5 of the said order:-

"3.The validity of the impugned order can be decided in the main writ petition. The question is what interim relief can be granted. Even according to the department, the post of Trustee is hereditary, once hereditary trustee is removed or suspended, the next person in succession is to be appointed as the trustee. The impugned order was passed on 19.03.2024. The fit person has also taken charge. Though according to the learned Special Government Pleader there are rival claimants and the issue is pending before the Hon'ble Supreme Court, the fact remains that Shanmugavel Mudaliar was acting as Hereditary Trustee. Therefore, the legal heirs of Shanmugavel Mudaliar alone will be succeeding to the post of Hereditary



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Trustee and no one can step into the shoes of Shanmugavel Mudaliar.

4.I grant liberty to any of the legal heirs of Shanmugavel Mudaliar to file appropriate application seeking to appoint them as Hereditary Trustee. As and when such application is filed, the same shall be allowed. Till an order is passed by the competent authority, the Fit Person can continue to discharge his duties.

5. At this juncture, the learned Special Government Pleader placed some photographs indicating performance of poojas, for skulls. The petitioners undertake before me that such objectionable poojas as pointed out by the respondents will not be performed in the Temple premises in future. This undertaking is recorded. The miscellaneous petitions are disposed of accordingly."

2. Thus, it is clear that the Court only ensure the rights of the legal heirs. It is directed the legal heirs to make an application to appoint them as hereditary trustees. Till the decision is taken in the said application, the Court has permitted the competent authority/fit person, to continue to discharge the duties. It is stated that after the disposal of the order, the



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petitioners 2 and 3 have only made a formal representation on 03.06.2024 proclaiming that they have assumed charge as hereditary trustees and directing the respondents to recall the fit person.

3. Now, it is the case of the petitioners that the respondents have not only continued the fit person, however, have now proceeded to change the fit person and therefore, it is the complaint that their action amounts to contempt.

4. It can be seen from the order that the only liberty given to the petitioners is to make an application for appointing them as a hereditary trustees, but they have not chosen to make the application. The order of the Court that the competent authority/ fit person will continue to discharge the duties, until such application is decided. Therefore, when the petitioners have not chosen to comply with the direction issued to them, I do not see any wilful disobedience of the order. When the earlier order categorically states that an application should be made by them for appointment, and till



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that application is decided, the fit person will continue, I do not see any violation of the order, much less wilful disobedience in continuing the same fit person and also in changing the new fit person. Therefore, no wilful disobedience is made out and this Contempt Petition is disposed of. It is open for the contemnors to make such application as may be permitted in the original order.

17.03.2025

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Neutral citation:no



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D.BHARATHA CHAKRAVARTHY,J.

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