

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-06-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 9792 of 2025

AND

WMP NOs. 10976 OF 2025 and 10977 OF 2025

1. T.Mageswaran
S/o.V.R.Thirunavukkarasu,
Managing Trustee Of Arulmighu
Adipethapalli Gengaiamman
Thiru Kovil, Iyyanur,
Vinnamangalam Village, Ambur
Taluk,
Thirupathur District.

Petitioner(s)

Vs

1. The Commissioner
Hindu Religious And Endowments
Department, Nungambakkam,
Chennai-600 034.

2.The Assistant Commissioner
Hindu Religious And Endowments
Department, Vellore.

3.The Executive Officer
Arulmighu Puthumariyamman
Thiru Kovil, Nattrampalli,
Tirupathur.

Respondent(s)

For Petitioner(s): Mr.Vishnu VR
for Mrs.V.Srimathi



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WP No. 9792 of 2025



For
Respondent(s):

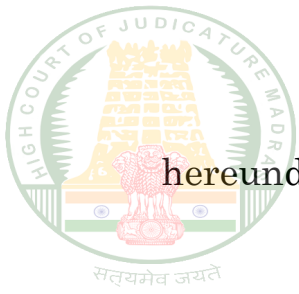
Mr.K.Karthikeyan
Government Advocate for R1
to R3

ORDER

This writ petition has been filed challenging the proceedings of the 2nd respondent dated 28.10.2024 and the consequential order passed by the 3rd respondent dated 17.02.2025 directing the petitioner to hand over the administration of the temple.

2. Heard Mr.Vishnu VR for Mrs.V.Srimathi, learned counsel for the petitioner and Mr.K.Karthikeyan, learned Government Advocate for respondents 1 to 3.

3. It is seen from records that the petitioner is claiming to be a Dharmakarthha of the temple. A notice was issued by the Assistant Commissioner of HR&CE Department dated 07.11.2023 to take over the temple under the control of the HR&CE Department. The same was put to challenge by the petitioner in WP No.2217 of 2024. This Court after considering the submissions made on either side, passed a final order on 05.02.2024 and the relevant portions are extracted



hereunder :-

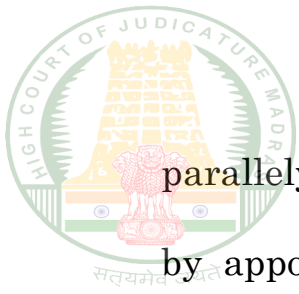
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4. *The communication dated 10.11.2023 has been given only for the purpose of peaceful management of the temple and for the benefit of the villagers who are the worshipers. If the petitioner claims any private right over the temple, it is up to him to make appropriate representation before the respondents authorities and participate in the proceedings. Whenever such mismanagement is reported to the H.R.& C.E. Department, it is bounden duty on them to take action and pass appropriate orders and to appoint trustees for the proper management of the temple. If in the appreciation of H.R.& C.E. Department, the petitioner is found to be a person fit enough to appoint one of the trustees and he can make due representation for the same as well.*

5. *Since the petitioner has already given representation after receiving the communication dated 10.11.2023, he is at liberty to participate in the subsequent proceedings and co-operate with the enquiry.*

4. Pursuant to the above order, summons was also issued to the petitioner dated 01.04.2024. The petitioner claims that he has already submitted his representation and whereas, the learned Government Advocate submitted that the petitioner did not appear inspite of receipt of the summons.

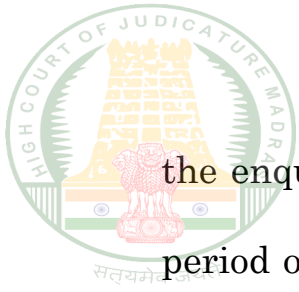
5. The grievance of the petitioner is that without conducting the enquiry as was directed by this Court in the previous order,



parallely the 2nd respondent has issued proceedings dated 28.10.2024 by appointing a fit person. The same was acted upon by the 3rd respondent and an order was passed to hand over the administration of the temple.

6. The respondents failed to see that already an order was passed by this Court in WP No.2217 of 2024 dated 05.02.2024, directing to conduct an enquiry since the HR&CE Department wanted to bring the temple under their control. Without taking that enquiry to its logical end, parallel proceedings have been initiated to appoint a fit person. The respondents ought not to have resorted to such parallel proceedings without completing the enquiry and taking a decision based on the earlier order passed by this Court.

7. In the light of the above discussion, the impugned proceedings of the 2nd respondent dated 28.10.2024 is hereby quashed and the consequential order passed by the 3rd respondent dated 17.02.2025 is also quashed. There shall be a direction to the 2nd respondent to issue summons to the petitioner and conduct the enquiry after affording an opportunity to the petitioner as was directed by this Court in WP No.2217 of 2024 dated 05.02.2024. After



the enquiry, a decision shall be taken by the 2nd respondent within a period of eight weeks from the date of receipt of a copy of this order.

Subject to the final decision taken by the 2nd respondent, further proceedings can be initiated.

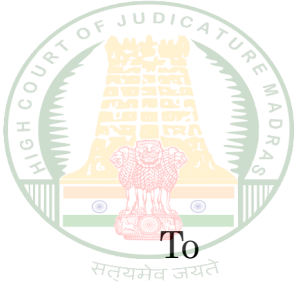
8. It is made clear that the petitioner has to co-operate for the enquiry and if the petitioner evades summons or does not participate in the enquiry, it is left open to the respondents to proceed further in accordance with law.

9. This writ petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petitions are closed.

27-06-2025

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Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No



To

WEB COUNCIL

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Hindu Religious And Endowments
Department, Nungambakkam,
Chennai-600 034.

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