



W.P.No.12023 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 03.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.12023 of 2025
and
WMP.Nos.13601 & 13604 of 2025

R.Radhakrishnan

... Petitioner

Vs.

- 1.The Commissioner
Hindu Religious and Charitable Endowments Department
No.119, Uthamar Gandhi Salai
Nungambakkam
Chennai 600 034.
- 2.The Joint Commissioner
Nagapattinam Division
O/o.Joint Commissioner
Nagapattinam 611003.
- 3.The Assistant Commissioner
Nagapattinam Division
Hindu Religious and Charitable Endowments Department
Nagapattinam 611 003.
- 4.The Inspector
Hindu Religious and Charitable Endowments Department
Kilvelur 611 104.



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5. The Executive Officer
Arulmigu Renganathan Thirukoil
Keelaiyur, Thirukuvalai Circle
Nagapattinam 611 103.

...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 impugned order dated 19.02.2025 bearing No.Pe.Mu.Na.Ka.No.7592/2021/E2 passed by the second respondent and quash the same and consequently permit the petitioner continue to Administer and Manage Arulmigu Mazhaimuthu Mariamman Temple, situated in Velankanni Village, Kilvelur Taluk, Nagapattinam District.

For Petitioner : Mr.P.Arul Gnana Prakash

For Respondents : Mr.K.Karthikeyan for R1 to R5
Government Advocate (HR & CE)

ORDER

The prayer in the Writ Petition filed to call for the records in respect of the impugned order dated 19.02.2025 passed by the second respondent and quash the same.



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2. Upon hearing the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the respondents, it can be seen that the grievance of the petitioner is that Arulmigu Mazhaimuthu Mariamman Temple situated in Velankanni Village, Kilvelur Taluk Nagapattinam District, was originally administered by the petitioner's grandfather as the hereditary trustee and it is the contention of the petitioner that thereafter the petitioner's father was the hereditary trustee. Claiming so, the petitioner had already filed an application to recognize him as the hereditary trustee in the year 2020 by his application dated 30.04.2020. A perusal of the records of the case, it can be seen that the said application has also been forwarded and the same is kept pending on file of the second respondent without passing final orders. While so, almost after five years, after filing the application, now suddenly the petitioner is directed to handover charge to the fit person. The petitioner was only in the management of the temple all along.

3. Per contra, the learned Government Advocates would submit



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that the jurisdictional Joint Commissioner in the Joint Commissioner,

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Thanjavur. In any event, the said application shall be transferred to the file of the second respondent and the same shall be considered since the petitioner's application is pending for five years and it is stated that he was only administering the temple until his application is decided by the second respondent, especially when there is no other allegation against the petitioner, the petitioner can continue to be in charge and the impugned order need not be quashed for this purpose.

4. In view thereof, this Writ Petition is disposed of on the following terms;

(i) The second respondent shall decide the application of the petitioner to recognize him as the hereditary trustee dated 19.12.2020 and for the said purpose, the petitioner shall appear before the second respondent on 16.04.2025 or any other subsequent date as may be intimated by the second



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respondent;

(ii) The petitioner shall also produce copies of any or all such documents that may be required by the second respondent, the second respondent shall conduct an enquiry in the manner known to law and pass final orders within a period of 8 weeks therefrom. The petitioner need not handover the charge until the said application is decided by the second respondent and depending upon the result of the enquiry, if the petitioner is recognized as the hereditary trustee, the petitioner can continue and if his application is dismissed as directed by the order impugned in this Writ Petition the petitioner shall handover the charge to the fit person. If the old records/the original application submitted by the petitioner, are not available along with the copy of this order on the said date, the petitioner shall also submit copies of the original representations and all other documents in support of his application.



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(iii) No costs. Consequently, connected Miscellaneous

Petitions are closed.

03.04.2025

(½)

Neutral Citation : Yes/No
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To

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6/8



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D.BHARATHA CHAKRAVARTHY, J.

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