



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2025

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THE HONOURABLE MR.JUSTICE P.B. BALAJI

W.P. No.11499 of 2024

and WMP. Nos.12608 & 12609 of 2024

- 1.Sri.Venkatakrishnan Ramasamy
- 2.Sri.Ganesan
- 3.Sri.Sivakumar Ramasamy

Petitioners

Vs

- 1.The Commissioner,
Hindu Religious & Charitable
Endowment Board, Nungambakkam,
Chennai – 600 034.
- 2.The Joint Commissioner,
Hindu Religious & Charitable
Endowment Board, Kancheepuram.
- 3.The Assistant Commissioner,
Hindu Religious & Charitable
Endowment Board, Chengalpet.
- 4.The Inspector,
Hindu Religious & Charitable
Endowment Board, Tambaram,
Chengalpet District.
- 5.The Executive Officer,
Sri Selva Vinayagar & Kothandaramar Temple,
West Tambaram, Tambaram Taluk,
Chengalpet District.

...Respondents



PRAYER: This petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records pertaining to the impugned order bearing Se.Mu.Na.Ka.No.492/2024/Aa3, dated 22.03.2024, on the file of the 3rd respondent and quash the same as arbitrary, illegal and unconstitutional.

For Petitioners : Mr.Abhinav Parthasarathy

For Respondents : Mr.S.Ravichandran,
Additional Government Pleader for HR & CE

ORDER

This Writ Petition is filed to quash the impugned order bearing Se.Mu.Na.Ka.No.492/2024/Aa3, dated 22.03.2024, on the file of the 3rd respondent.

2. Heard Mr.Abhinav Parthasarathy, learned counsel for the petitioners and Mr.S.Ravichandran, learned Additional Government Pleader for the respondents.

3. The petitioners challenge the order passed by the third respondent appointing a Fit Person to the Temple. The learned counsel for the petitioners, Mr.Abhinav Parthasarathy would submit that the petitioner's



father has already been recognised as the hereditary trustee under Section 63(b) of the Hindu Religious and Charitable Endowments Act, 1959, (in short 'HR & CE Act/Act'), in and by proceedings before the Deputy Commissioner, HR & CE, dated 16.09.1968. However, admittedly, the said Sri. P.G.Ramasamy @ P.G.Duraiswamy Gurukkal, subsequently passed away and the petitioners had another male sibling, one Sri.R.Suryanarayanan, who died in the year 1996 and the petitioners claim that they have automatic right to be recognized as hereditary trustees of the Temple.

4. The learned counsel for the petitioners would further submit that the only other surviving heirs of father viz., one daughter who is not interested in the trusteeship. The learned counsel would therefore state that in such circumstances, the respondents ought not to have, without issuing notice to the petitioners, appointed a Fit Person of the Temple. He would also rely on the decision of this Court in *Prem Anand Vs. The Commissioner, Hindu Religious and Charitable Endowments, Madras and another*, reported in 1990-1-L.W.page 144, where this Court held that under Section 54 of the Act, when a permanent vacancy occurs in the office of the



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hereditary trustee of a religious institution, the next in the line of succession shall be entitled to succeed to the office and there is no necessity, whatever for the next hereditary trustee to make an Application for being appointed under the Act.

5. Per contra, Mr.S.Ravichandran, learned Additional Government Pleader, appearing for the respondents, would submit that the decision has been relied on by the petitioners in *Prem Anand's case* (referred herein supra), will not apply to the facts of the present case, since even according to the petitioners, there are four legal heirs out of which, only three of them have approached this Court as writ petitioners and therefore, there is no occasion for the respondents to exercise their right to recognise the hereditary trustees. He would also invite my attention to the Section 64(1) of the Act, which entitles the filling up of vacancies to the Office of hereditary trustees whenever permanent vacancy occurs, in terms of Section 54 (1) of the Act, where the next in line of succession shall be entitled to succeed to the office. Therefore, referring to the said provision, the learned Additional Government Pleader would submit that even according to the petitioners when there are four legal heirs, necessarily the application would



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have to be made under Section 54(1) of the Act, to enable recognition of the person concerned as the next in line of succession, who shall be entitled to succeed as the hereditary trustee.

6. Mr.Abhinav Parthasarathy, learned counsel for the petitioners state that out of the four legal heirs who are entitled to be appointed as hereditary trustees, three of them are writ petitioners and the only other person is the daughter from whom the petitioners can always give a consent affidavit, expressing no objections for the petitioners being appointed as hereditary trustees and make formal application under Section 54 (1) of the Act.

7. In the light of the above, this Writ Petition is disposed of with the following directions:

The petitioner shall make an application under Section 54(1) of the Act along with a consent affidavit of the other surviving legal heir of late.P.G.Duraiswamy Gurukkal within a period of one (1) week from the date of receipt of the copy of the order and within a period of two (2) weeks thereafter, suitable orders shall be passed appointing the petitioners as the



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hereditary trustees, recording them as next in line of succession of the

hereditary trustees and consequently, discharging the Fit Person.

Consequently, connected Miscellaneous Petitions are closed. No costs.

03.11.2025

rkp

To

- 1.The Commissioner,
Hindu Religious & Charitable
Endowment Board, Nungambakkam,
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- 2.The Joint Commissioner,
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