



WA No. 2812 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2025

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**THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**WA No. 2812 of 2024
and
CMP.No.20626 of 2024**

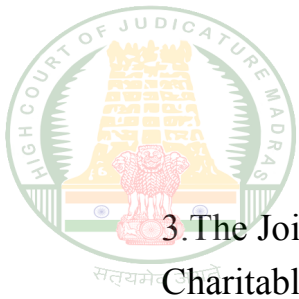
1. P.S.Shanmugasundaram
(Hereditary Trustee),
S/o. Somasundaram,
No. 26, South Mada Street, Padi,
Chennai - 50.

Appellant(s)

Vs

1. The State of TamilNadu
Rep by its The Principal secretary to Government,
Tourism, Culture and Religious Endowments RE (3-1)
Department,
Fort St. George, Chennai - 600 009.

2.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam, Chennai-34.



3. The Joint Commissioner of Hind Religious and Charitable Endowment,
Yadhava Street, Padi, Chennai - 50.

4. The Assistant Commissioner,
Hind Religious and Charitable Endowment Department,
Yadhava Street, Padi, Chennai - 50.

5. The Executive Officer,
Arulmigu Thiruvalleeswarar Temple,
Padi, Chennai - 50.

6. Mr. R. Vijay,
S/o. S. Rangarajan,
19/20, A-Block, Land Marvel Flats,
Sannadhi Street,
Villivakkam, Chennai - 600 049.

Respondent(s)

PRAYER

To set aside the order dated 28.04.2023 in WP No.13571 of 2023.

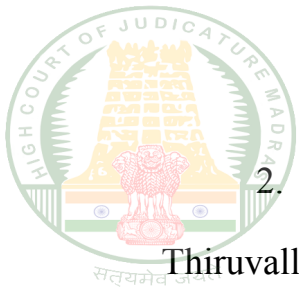
For Appellant(s): Mr. J. Adithya Reddy

For Respondent(s): M/s. N. R. R. Arun Nataraj
Special Govt. Pleader (HR & CE) For R1&5
Mr. R. Shanmugasundaram, Senior Counsel
For Ms. A. G. Shakeena
Mr. D. Senthur Kugan For R6

JUDGMENT

(Judgment of the Court was made by S. M. Subramaniam J.)

The Writ Order dated 28.04.2023 passed in W.P.No.13751 of 2023 is sought to be assailed in the present Writ Appeal.



2. The election of the 6th respondent as Chairman of Arulmigu Thiruvallleswarar Temple, Padi, Chennai, is questioned by the appellant, mainly on the ground that, he is the sole hereditary trustee, and under Section 48 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, he becomes the Chairman automatically. As the appellant is the only hereditary trustee among the three trustees, the authorities have no option but to accept the hereditary trustee as the Chairman.

3. It is not in dispute that the scheme framed by the District Collector in 1949, following the decision of the High Court, is still in force. According to this scheme, three trustees are to be appointed, and one of these trustees will be elected as Chairman.

4. Learned Senior Counsel appearing on behalf of the Temple would submit that election was conducted in the presence of the competent authorities. The 6th respondent voted for himself, and the other two trustees have voted in favour of the 6th respondent. Therefore, the 6th respondent was elected as chairman. Therefore, the procedure as contemplated under the scheme and in accordance with the provisions of the Act, had been followed.

5. Learned counsel for the appellant would dispute the said fact by stating that election was improperly conducted. The appellant claims that he has not voted for himself. He is raising a serious dispute about the conduct of



election. If at all elections are not conducted in accordance with law, as stated by the appellant, the option left upon to him is to raise an election dispute to resolve the issues. As as far the present Writ Appeal is concerned, it is all about election of Chairman amongst the trustees and as per the submission made on behalf of the Temple amongst three trustees, two trustees voted in favour of the 6th respondent and he was elected.

6. That being so, the findings of the learned Single Judge is in consonance with the scheme applicable to the Temple and as well as the relevant provisions under the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

7. Thus, this Court do not find any acceptable reasons for interference with the order of the Writ Court in W.P.No.13571 of 2023 dated 28.04.2023. Accordingly, W.P.No.13571 of 2023 dated 28.04.2023 stands confirmed and the present Writ Appeal stands dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

(S.M.SUBRAMANIAM J.)(K.RAJASEKAR J.)

25-03-2025

GD

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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