



W.A No. 1646 of 2025 and

W.P.(Crl.) No.124 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-08-2025

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE P. DHANABAL

W.A No. 1646 of 2025 and W.P.(Crl.) No.124 of 2025

W.A.No.1646 of 2025

1.A.Pandiyan

2.B.Saravanan

3.V.Palani

..Appellants

Vs

1. S.Elanchezhiyan

2. S.Boopathy

3. The District Collector

Chennai District, Thalamuthu Natarajan Malligai,

Rajaji Salai, 4th Floor, George Town, Chennai-01

4.The Revenue Divisional Officer

Office Of RDO, Anna Nagar, West Extension,

Ambattur Zone, Chennai-40

5.The Assistant Commissioner

HR And CE Department, Chennai Zone-II, T.P.Koil

Street, Triplicane, Chennai-5

6.The Tahsildar

Mambalam Taluk, Chennai-78

7.The Inspector Of Police

KK Nagar, Police Station, Chennai-78.



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..Respondents

Prayer : Writ Appeal under Clause 15 of the Letters Patent to set aside the order passed by the Hon'ble Judge in WP.No.15468 of 2025 dated 29.04.2025 by allowing the appeal and thus render justice.

For Appellants :

Mr.S.Venkatesan for Mr.R.Arun Kumar

For Respondents :

Mr.A.Prabhaaran for RR 1 and 2

Mr.A.Selvendran

Special Government Pleader - for RR 3, 4 and 6

Mr.N.R.R.Arun Natarajan

Special Government Pleader for R5

Mr.S.Sugendran

Additional Public Prosecutor - for R7

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B.Saravanan

The Secretary, Arulmigu Sri Mariyamman Thirukovil,
S/o.Balakrishnan, No.10, T.K.Pani 2nd Cross Street,
Periyar Nagar, Nesapakkam, Kalaingar
Karunanidhi Nagar, Chennai-600 078.

... Petitioner

-VS-

1. The Director General of Police,
Dr.Radhakrishnan Salai, Kailasapuram,
Mylapore, Chennai-600 004.
- 2.Commissioner of Police
Dr.Radhakrishnan Salai, Kailasapuram,
Mylapore, Chennai-600 004.
- 3.Deputy Commissioner of Police
O/o Deputy Commissioner of Police



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6th Avenue, P Block, Anna Nagar, Chennai-600 040.

4. Assistant Commissioner of Police

O/o Assistant Commissioner of Police

R3, Ashok Nagar Police Station, Ashok Nagar
Chennai 600 083.

5. The Inspector of Police

R7, KK Nagar Police Station, Chennai 600 078.

6. S. Elanchezhian

7. S. Boopathy

... Respondents

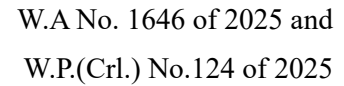
Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 5th respondent to give police protection to celebrate temple and its functions which is to be held on 10.08.2025 and to conduct the same in a peaceful manner and to protect us and the temple and its properties as the threats by the miscreants continues since they have failed in all their previous attempts.

For Petitioner : Mr.S.Venkatesan
for Mr.R.Arun Kumar

For Respondents : Mr.S.Sugendran
Additional Public Prosecutor - for RR 1 to 5
Mr.A.Prabhakaran - for RR 6 and 7

COMMON JUDGMENT

(Judgment of the Court was delivered by R.Suresh Kumar J.)



2. The learned Writ Court disposed of the said writ petition through the impugned order dated 29.04.2025, whereby the following directions have been given.

3. The temple has to be administered by trustees duly appointed by the HR & CE Department and if required, the HR & CE Department will also appoint a fit person. In that view of the matter, even though the law and order situation will be taken care by the other respondents, this writ petition is disposed of with the following directions:-



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(i) The third respondent has already initiated an inquiry

on 01.04.2025. The petitioner shall appear before the third respondent on 12.05.2025 or any date sooner as intimated by the third respondent.

(ii) The third respondent shall issue notice to the petitioners and also issue notice to respondents 6 to 8, or any other person interested in the management of the temple.

(iii) The third respondent shall decide whether the temple is already under the management of any trustee and make suitable recommendations to the appropriate Joint Commissioner or the Commissioner, as the case may be, for the appointment of trustees or a fit person, if required. Thereafter, the Joint Commissioner or the Commissioner shall pass final orders with reference to the management of the temple. Any person aggrieved shall be entitled to take steps as permissible under law based on the outcome of the enquiry.

(iv) The enquiry shall be completed and orders passed by the third respondent on or before 31.07.2025."



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3. Aggrieved over the said directions issued by the writ Court, the present appellants, who are the respondents in the writ petition have filed the instant appeal.

4. Though the present appellants were parties to the said writ petition as respondents 6, 7 and 8, since the writ petition was disposed of at the admission stage by the Court, no notice had been given to the present appellants also before conducting an enquiry.

5. It is the contention of Mr.S.Venkatesan, learned counsel for the appellants that the temple in question called Arulmigu Sri Mariyamman Thirukovil is not a public temple managed by HR & CE Department or in other words, the HR & CE Department does not have any role to play in deciding whether the temple is a public temple or whether any trustees or fit person is to be appointed in managing the affairs of the temple. It is his further contention that the temple is purely a private temple constructed by a particular community people, where the present appellants as well as other members of the community, have contributed a lot in the construction and development of the said temple.



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6. However, there has been a dispute among the individual groups of the same community as both have claimed right over the temple to manage or maintain the temple. This situation triggered the appellants viz., A.Pandiyan, B.Saravanan and V.Palani, who joined together and have approached the Civil Court by filing a civil suit. Accordingly, they filed O.S.No.6531 of 2024 on the file of the Principal City Civil Court, Chennai, where, they sought for a permanent injunction restraining the defendants therein from interfering with the management and affairs by the

plaintiffs in the said temple viz., Arulmigu Sri Mariyamman Thirukovil, Periyar Nagar, Nesapakkam, Kalaignar Karunanidhi Nagar, Chennai-600 078.

7. In the said suit, not only the present respondents 1 and 2, who are the writ petitioners, but also several other individuals totalling 11 persons have been arrayed as party defendants. However, the pendency of the said civil suit has not been brought to the notice of the Writ Court while filing the said writ petition. Therefore,



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the writ Court had no occasion to consider as to the effect of the pendency of the civil suit, is the main point put forth by the learned counsel for the appellants.

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8. On the other hand, Mr.N.R.R.Arun Natarajan learned Special Government Pleader would submit that no doubt it is not a HR & CE Department temple or it may be a non-listed temple, but even then, whenever this kind of dispute arises as to the identification of the person or group of persons to be nominated or appointed for the management of the affairs of the temple concerned, under the provisions of the HR & CE Act, the Assistant Commissioner of HR & CE Department is empowered or having jurisdiction to interfere and to decide the same, and that is why such a direction was given by the Writ Court in Para 3 of the impugned order to conduct an enquiry and to decide the issue, pursuant to which already notice had been given by the Assistant Commissioner, HR & CE Department vide his communication dated 09.05.2025, whereby the enquiry was fixed on 12.05.2025 and notice had been served on both sides. However, in the meanwhile since the instant appeal has been



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filed, where, interim order has been granted and therefore the HR & CE Department could not proceed further and the matter has been left at that stage, he contended.

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9. Learned Special Government Pleader would also submit that, before the civil court though a suit for bare injunction has been filed by the present appellants, there has been no declaratory decree sought for to declare the temple concerned as private temple and also the HR & CE Department has not been arrayed as party defendant in the said suit. Therefore, merely because a suit for bare injunction has been filed between some individuals, that would not bind based on the decision to be made by the civil Court *sans* the presence of the HR & CE Department, he contended.

10. We have heard rival submissions made by the learned counsel appearing for the parties and have gone through the materials placed on record.

11. It is a fact that there has been a civil suit in O.S.No.6531 of 2024 filed well before the institution of the writ petition, where both the appellants as well as



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the private respondents are parties. The appellants stood as plaintiffs and the

respondents 1 and 2 along with 11 other individuals stood as defendants.

12. Even though bare injunction has been sought for in the said suit, the reason stated by the learned counsel for the appellants for such a prayer is that,

since it is a private temple and there has been no interference by any other forces including the HR & CE Department, there was no need to seek a declaratory decree and mere non-asking of the declaratory decree would not pave the way for the HR & CE Department to take its arm to enter into the frame by stating that the temple should be first declared as a private temple.

13. Whether it is a private temple or a non-listed temple, whether the HR & CE Department could have any jurisdiction to conduct an enquiry as has been directed by the learned Judge through the impugned order, such kind of measures can be taken if the parties have approached only this Court by invoking Article 226 of the Constitution of India.



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14. However, the fact remains that the parties have already approached the competent civil Court by filing appropriate suit, where, whatever the prayer sought for, based on which evidence has to be let in by both sides and ultimately decision have to be arrived at by the Civil Court, till such time if any adhoc arrangement is made by appointing any person or persons either as trustees or fit person that will create further confusion and will have a bearing on the civil Court to take a decision in the suit pending before it.

15. If at all the HR & CE Department wants to have a say in the suit before the civil Court, it is open to them to approach the Civil Court by getting impleaded

themselves as party defendant in the suit, where, whatever the stand the HR & CE Department wants to take, can very well be taken and that can also be taken care by the Civil Court in the manner known to law including the maintainability of the suit.



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16. However, insofar as the present directions issued by the Writ Court which is impugned herein is concerned, in view of the aforesaid facts and circumstances, we do feel that it may be a superfluous one, whereby it renders the civil Court suit as a meaningless litigation and that kind of directions cannot be expected to be given by this Court when a civil Court is already seized of the mater.

17. However, the fact that the civil suit was pending before the concerned Court since has not been brought to the notice of the Writ Court, probably the writ Court has shown its indulgence to issue such a direction. Though it has been mentioned in the affidavit filed in support of the writ petition about the pendency of the civil suit, since no argument has been advanced before the Writ Court, the learned Judge had no occasion to consider the pendency of the civil suit.

18. Be that as it may. Now in view of these facts and circumstances, we are inclined to dispose of this writ appeal with the following orders.

(a)The order impugned dated 29.04.2025 made in WP.No.15468 of

2025 is set aside.



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(b)The parties are directed to agitate their rights in the pending civil suit in O.S.No.6531 of 2024 on the file of the Principal City Civil Court, Chennai.

(c)In this regard, it is open to the HR & CE Department to file an appropriate application to get impleaded as party defendant in the said suit, where, they can raise all issues including the maintainability issue of the suit and in that case, the said petition to be filed by the HR & CE Department has to be considered and dealt with in accordance with law.

(d)Till the final disposal of the civil suit, either parties can seek for any interim arrangement by filing interlocutory applications in the said civil suit itself. If any such interlocutory applications are filed by either party, the same can be considered and decided by the civil Court taking into account of the available evidence before it and accordingly the interim maintenance of the temple can be



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ensured smoothly without giving any room for deterioration of law

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and order.

(e)In view of the aforesaid order, the prayer sought for in the writ

petition in W.P.(Crl.) No.124 of 2025 since has become

infructuous, it is liable to be dismissed, accordingly it is dismissed.

With the dismissal of the W.P.(Crl.)No.124 of 2025, the present appeal is disposed of. However, there shall be no order as to costs.

(R.S.K.,J.)

(P.D.B.,J.)

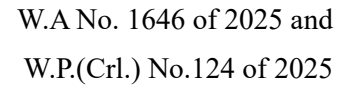
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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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