



Writ Petition No.20589 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.20589 of 2025

and

W.M.P.No.23201 of 2025

S.Selvakumar
S/o.K.Shanmugam

Petitioner

Vs

1. The Commissioner,
HR & CE (Administration Department),
Chennai.

2.The Joint Commissioner,
HR & CE (Administration Department),
Tiruppur.

3.The Executive Officer,
Arulmighu Akasarayar Temple,
Velayudhampalayam, Avinashi Taluk,
Coimbatore District.

4.K.M.Balasubramaniam
S/o. Late Muthurayappa Gounder

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for records from the second respondent in I.A.No.1 of 2025 in O.A.No.1 of



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2021 dated 05.03.2025 and quash the same and consequently, direct the second respondent to approve the draft management plan dated 24.07.2024 in O.A.No.1 of 2021.

For Petitioner : Mr.B.Kumarasamy

For Respondents : Mr.N.R.R.Arun Natarajan
Special Government Pleader [R1 to R3]

ORDER

This writ petition has been filed challenging the impugned proceedings of the second respondent dated 05.03.2025 made in I.A.No.1 of 2025 in O.A.No.1 of 2021 and for a consequential direction to the second respondent to approve the draft management plan dated 24.07.2024.

2. Heard Mr.B.Kumarasamy, learned counsel for petitioner and Mr.N.R.R.Arun Natarajan, learned Special Government Pleader appearing for respondents 1 to 3.

3. The fourth respondent's father and his brother filed application under Section 63(b) of the Hindu Religious and Charitable Endowment Act in O.A.No.81 of 1987 before the Deputy Commissioner,



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Coimbatore and obtained a declaration with respect to holding office as hereditary trustees in the temple. This order was obtained without impleading the poojaries, who were holding office. Therefore, the father of the petitioner and other poojaries filed original application before the Deputy Commissioner, Hindu Religious and Charitable Endowment (Administration Department), Coimbatore, in O.A.No.4 of 1990 to declare that the office of the trusteeship of the institution in question is hereditary. This original application was subsequently transferred to Tiruppur District and it was re-numbered as O.A.No.1 of 2021 and it was pending before the second respondent. While so, I.A.No.1 of 2025 was filed by the Executive Officer to implead himself as a party to the proceedings. This application was allowed by the second respondent by order dated 05.03.2025. Aggrieved by the same, the present writ petition has been filed before this Court.

4. The main grievance expressed by learned counsel for petitioner is that the order was passed by the second respondent without affording opportunity to the petitioner and without hearing the objections of the petitioner and therefore, the same is in violation of principles of natural justice.



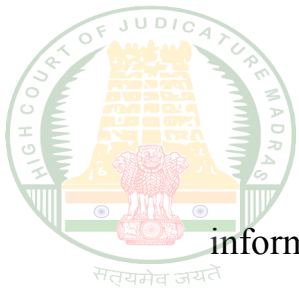
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5. *Per contra*, learned Special Government Pleader appearing

on behalf of the respondents submitted that there were valid reasons for impleading the Executive Officer as a party to the proceedings and if at all, the petitioner has any objection, it will always be left to the petitioner to raise the same during the course of proceedings.

6. In the considered view of this Court, the Executive Officer wanted to implead himself as a party to the proceedings. Hence, the minimum that is required is to put the petitioner and others on notice and hear their objections before passing any further orders by the second respondent, whereas, the second respondent straightaway dealt with the application and has ordered for impleading the Executive Officer as a party and thereafter, he has informed the parties if they have any grievance they can approach the Commissioner of Hindu Religious and Charitable Endowment Department by filing an appeal.

7. The above procedure followed by the second respondent is illegal and the order suffers from violation of principles of natural justice. The second respondent is expected to hear the objections and pass orders, whereas the second respondent has passed the order and has



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informed the parties that if they have objections, they can approach the Commissioner of Hindu Religious and Charitable Endowment Department. This procedure adopted by the second respondent is wholly illegal and unsustainable.

8. In the light of the above discussion, the impugned order passed by the second respondent in I.A.No.1 of 2025 in O.A.No.1 of 2021 dated 05.03.2025 is hereby quashed. The matter is remanded back to the file of the second respondent and the second respondent is directed to issue notice to all the interested parties including the petitioner and hear their objections and thereafter, pass orders in accordance with law. This process shall be completed by the second respondent within a period of eight (8) weeks from the date of receipt of a copy of this order.

This writ petition is allowed with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

11.06.2025

Neutral Citation: Yes/No
Index: Yes/no
Speaking Order/Non-Speaking Order
gm



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N.ANAND VENKATESH, J

gm

To

1. The Commissioner,
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Chennai.

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Tiruppur.

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