



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2025

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THE HONOURABLE MR.JUSTICE P.B. BALAJI

W.P. No.20580 of 2023

and WMP. Nos.19965 & 19966 of 2023

T.R.Janarthanan

Petitioner

Vs

1.The Commissioner,
Hindu Religious and Charitable Endowments Board,
No.34, Nungambakkam High Road,
Chennai – 600 009.

2.The District Collector,
Collectorate Building,
Sathuvachari, Vellore – 632 009.

3.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Board,
Regional Transport Office Road,
Nehru Nagar, Phase -2,
Sathuvachari, Vellore- 632 009.

4. P.Malaivasan,
Thakkar/Executive Officer,
Hindu Religious and Charitable
Endowments Department,
Regional Transport Office Road,
Nehru Nagar, Phase-2,
Sathuvachari, Vellore – 632 009.
(R4 has been incorporated vide amendment
order dated 01.12.2025.)

5.The Village Administrative Officer,
Thuthipet Village, Vellore – 632 011.



6.Mr.T.V.Ravichandran

..Respondents

PRAYER: This petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the entire records relating to the Impugned General Tender Publication dated 03.07.2023 of the 4th respondent and quash the same and consequentially forbear the respondents 3 to 6, from any manner interfering with the administration of the temple viz., Kothandaramasami Temple and its assets, by the petitioner, being its Chief Person/Dharmakartha.

For Petitioner : Mr.R.Gopinath for
Mc Gan Law Firm

For Respondents : Mr.NRR.Arun Natarajan,
Special Government Pleader

ORDER

Challenging the tender notice issued by the 4th respondent in order to lease out the properties belonging to the Temple.

2. Heard learned counsel for the petitioner Mr.R.Gopinath and Mr.NRR.Arun Natarajan, learned Special Government Pleader for the respondents.

3. The case of the writ petitioner is that the petitioner is the



Dharmakartha of the Temple. The villagers amongst themselves have elected the petitioner as the Dharmakartha and alongwith other Trustees who are also co-villagers, the petitioner is managing the affairs of the Temple. It is the further contention of the petitioner that the Temple was recently renovated and is ready for performing Kumbabishekam, at which point of time, the fourth respondent has assumed jurisdiction and treated the Temple as if one coming under the Department and with an intent to lease out the property of the Temple, tender notification has been issued. The said tender notification is under challenge in the present Writ Petition.

4. The learned counsel for the petitioner would submit that the Temple Sri Kothandaramasami Temple is situate at Thuthipet, whereas under the same name there is also another Temple, which is situated at Rangapuram. In respect of the petitioner's temple, at not point of time, it has been under the control or management of the Authorities. According to him, probably, erroneously, instead of taking proceedings in respect of temple at Rangapuram, the respondents have taken against the petitioners temple. He would further state that till date no Executive Officer or Fit Person has even entered into the temple premises at Thuthipet. It is only the petitioner and other trustees who have been in continuous management



of the temple affairs. He would pray for Writ Petition being allowed, by quashing the tender notification.

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5. Per contra, Mr.N.R.R.Arun Natarajan, learned Special Government Pleader appearing for the respondents submit that it not as if the Department has taken steps as against the petitioner Temple instead of proceeding against the other temple with the same name at Rangapuram. He has produced relevant typed set of documents to indicate that right from 1980 onwards atleast, there is a clear mention of the subject temple coming under the purview of the HR & CE Department. The learned counsel also states that even in the year 1978, the then Administrators have handed over the Temple to the Department for the purposes of better administration of the Temple. However Mr.N.R.R.Arun Natarajan, learned Special Government Pleader would fairly submits that though Fit Person has been appointed, it is not known if the Fit Person has been taken charge of the Temple subsequently. He would however state the if at all the petitioner claims a right to administer and manage the Temple, he has to move the Joint Commissioner under Section 63(b) of the Hindu Religious and Charitable Endowments Act, 1959, for recognizing the petitioner as the hereditary trustee of the Temple.



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6. On the side of the petitioner also, I do not find any documents to support the claim that the petitioner as the Dharmakartha/hereditary trustee of the said temple. No doubt, the petitioner and other villagers have renovated the temple using the village funds and donations, with no aid from the Government and the Temple was about to be consecrated and at this point of time, the impugned communication calling for a tender came to be issued by 4th respondent.

7. In the light of the above, it is always open to the petitioner to approach the Joint Commissioner seeking to declare his status as Hereditary Trustee after satisfying the Joint Commissioner with sufficient documentary evidence in that regard. It is made clear that if any such Application is made by the petitioner within a period of two weeks from the date of receipt of the copy of this order shall be disposed of on merits and in accordance with law by three (3) months thereafter. The properties of the temple shall not be dealt with by both parties till then.

P.B.BALAJI.J.,

8. In fine, the Writ Petition is disposed of with the above directions. Consequently, connected Miscellaneous Petitions are closed. No costs.



01.12.2025

rkp

Index: Yes/No

Internet: Yes/No

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