



WEB COPY

WP No. 25703 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 17-07-2025**

CORAM

**THE HONOURABLE MR JUSTICE N. ANAND VENKATESH**

**WP No. 25703 of 2025**

**AND**

**WMP NO. 28872 OF 2025**

1. D.Balamurali

S/o. Dhanapal, 36, OMR Main Road,  
Thiruppur, Kancheepuram -603 110

2.B. Rajasekaran

S/o. Bakthavachgalam, 1/136,  
Selliyanman Kovil Street, Thandalam,  
Thiruporur, Kancheepuram-603110

3.V. Paranthaman

S/o. Veerapathiran, 1/155, Naseer  
Nagar, Thiruporur, Kancheepuram-603  
110

Petitioner(s)

Vs

1. The Commissioner

Hindu Religious And Charitable  
Endowments Department, Uthamar  
Gandhi Road, Nungambakkam,  
Chennai-600 034.



2.The Joint Commissioner  
Hindu Religious And Charitable  
Endowments Department, A.K.  
Thangavelar Street, Kanchipuram  
-631205

3.The Assistant Commissioner  
Hindu Religious And Charitable  
Endowments Department, C-block 4th  
Floor, District Collector Office,  
Chengalpattu -603 111

4.The Executive Officer  
Arulmigu Sri Kandasamy Thirukoil,  
Thiruporur, Chengalpattu -603 110

Respondent(s)

**PRAYER**

Writ petition filed under Article 226 of Constitution of India for the issuance of writ of Mandamus directing the respondents to consider and dispose of the representation dated 12.06.2025 filed by the petitioners, in accordance with law.

For Petitioner(s): Mr.C.Prabakaran  
and Mr.P.Vasanthakumar  
For Respondent(s): Mr.K.Karthikeyan  
Government Advocate for R1 to  
R4

**ORDER**

This writ petition has been filed for the issue of writ of Mandamus directing the respondents to consider the representation made by the petitioner



on 12.06.2025 wherein the petitioner is seeking for conducting the election for appointment of the Madathipathi of the Thiruporur Thirumadam Sri Chidambara Swamigal Mutt as per the directions of this Court in WP No.1640 of 2021 dated 02.02.2021 and the common order made in WA Nos.1218 and 1282 of 2021 and 6130 of 2021 dated 09.11.2023.

2. Heard Mr.C.Prabakaran, learned counsel for the petitioner and Mr.K.Karthikeyan, learned Government Advocate for respondents 1 to 4.

3. When the common order was passed by the Hon'ble First Bench on 09.11.2023, it was disposed of in the following terms:-

14. *In view of the foregoing discussion, it is held that the suit in O.S. No. 8 of 2016 filed before the Sub-Court, Chengalpattu, by the Appellant in W.A. No. 1218 of 2021, is barred by Section 108 of the Act of 1959, read with Section 9 of the CPC, on account of the remedy available for seeking the said relief in an application under Section 64(5) read with Section 118(2) of the Act of 1959. It is needless to add here that by virtue of the de facto doctrine, as highlighted by the Hon'ble Supreme Court of India in Gokaraju Rangaraju -vs- State of Andhra Pradesh [(1981) 3 SCC 132], the parties are not precluded from making use of the documents*



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*produced and the deposition of witnesses examined in that suit as evidence in proceedings under Section 64(5) of the Act of 1959 for modification or cancellation of the Scheme Decree, in the manner recognized by law.*

15. *Now what remains to be examined is the validity of the impugned order in W.P. No. 6130 of 2021, which is the Order Na. Ka. No. 1753-2/2020-S1 dated 28.05.2020 passed by the Commissioner, and the correctness of the order dated 02.02.2021 in W.P. No. 1640 of 2021 passed by the Learned Single Judge of this Court for implementing it assailed in W.A. Nos. 1218 and 1282 of 2021.*

16. *Inasmuch as the said orders are absolutely based upon the Scheme Decree, which was existing at the time when they were passed, they cannot ipso facto be invalidated merely because the Appellants in W.A. Nos. 1218 and 1282 of 2021 intend to seek modification or cancellation of the Scheme Decree. In such circumstances, the proper course to be adopted to meet the ends of justice would be to keep the said orders in abeyance till 30.11.2023 so as to enable the said Appellants to apply for modification or cancellation of the Scheme Decree under Section 64(5) of the Act of 1959 by that time, and if such applications are made, the concerned*



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*authorities would have to await their outcome, depending upon which further course of action would follow in accordance with law. It is needless to add here that if the said Appellants fail to take recourse to such procedure within that time limit, it shall become incumbent upon the concerned authorities to forthwith carry out the directions of the Writ Court in the order dated 02.02.2021 in W.P. No. 1640 of 2021 for implementing the Order Na. Ka. No. 1753-2/ 2020-S1 dated 28.05.2020 passed by the Commissioner and file report of compliance by 30.06.2024 before the Registrar (Judicial) of this Court.*

*In the upshot, the Appeals in W.A. Nos. 1218 and 1282 of 2021 and the Writ Petition in W.P. No. 6130 of 2021 are disposed on the aforesaid terms. No costs.*

4. The grievance of the petitioner is that inspite of the above directions, till date, the election has not been conducted.

5. The learned Government Advocate appearing on behalf of the respondents produced the written instructions from the Executive Officer. The relevant portions are extracted hereunder :-



இதனை தொடர்ந்து, ஆணையர் நீதிமன்றத்தில்

1. OA 1/2024 வீரசைவ திரு.ஜம்புலிங்கம்
2. OA 2/2024 மயிலம் பொம்மைப்புரம் ஆதின கர்த்தர் பூநீமத் சிவஞான பாலாலையை சுவாமிகள் திருமடம் சார்பாக
3. OA 1/2025 திரு.பாலசுப்பிரமணிய ஜயர்

ஆகியோர் தாக்கல் செய்த மனுக்களின் விசாரணை ஆணையர் நீதிமன்றத்தில் நடைபெற்று வரும் நிலையில்,

மேற்படி W.P.No.25703/2025 ரீட் மனுதாரர்கள் நீதிமன்றத்தால் தடைவிதிக்கப்பட்டுள்ள தேர்தல் நடவடிக்கைகளை மேற்கொள்ள மனு செய்து, மேற்படி மனுவின் மீது நடவடிக்கை வேண்டி ரீட் மனு தாக்கல் செய்துள்ளனர்.

எனவே ஆணையர் நீதிமன்றத்தில் நடைபெற்று வரும் O.A.1/2024, O.A.2/2024 மற்றும் O.A. 1/2025 ஆகிய மனுக்களின் விசாரணை முடிவின் அடிப்படையில் தான் அடுத்தகட்ட நடவடிக்கை மேற்கொள்ள இயலும். எனவே மேற்படி ரீட் மனுவினை முடிவு செய்திட உரிய நடவடிக்கை மேற்கொள்ளலாம் என பணிந்து தெரிவித்துக்கொள்கிறேன்.

6. The learned Government Advocate submitted that three OAs were filed and the same is now pending enquiry before the Commissioner. It was further submitted that a time limit can be fixed for the Commissioner to pass further orders and thereafter, the directions given by this Court will be complied with.

7. Taking into consideration the facts and circumstances of the case and considering the fact that the original applications have been filed before



31.01.2024 and the same is pending before the Commissioner, there shall be a direction to the 1<sup>st</sup> respondent to deal with those applications on its own merits and in accordance with law and provide opportunity to all the parties concerned including the Perur Adhinam and pass final orders, within a period of six months from the date of receipt of a copy of this order.

8. This writ petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

**17-07-2025**

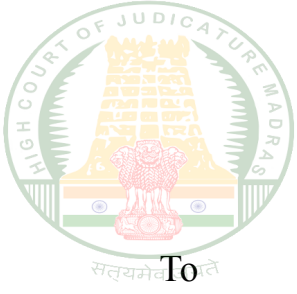
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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**N.ANAND VENKATESH J.**  
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