



Writ Petition No.27592 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2025

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.27592 of 2025

and

W.M.P.No.30910 of 2025

Shantha Sabapathy
W/o.Late V.P.Sabapathy Gounder

Petitioner

Vs

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai - 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Coimbatore.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari calling for the records relating to the impugned order issued by the first respondent in Suo Motu Revision 2/2023 D2 dated 28.04.2025 and quash the same.

For Petitioner : Mr.J.Lakshminarayanan
For Respondents : Mr.K.Karthikeyan,
Government Advocate [HR & CE]



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ORDER

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This writ petition has been filed challenging the impugned proceedings of the first respondent made in Suo Motu Revision 2/2023 D2 dated 28.04.2025.

2. Heard Mr.J.Lakshminarayanan, learned counsel for petitioner and Mr.K.Karthikeyan, learned Government Advocate [HR & CE] appearing for respondent.

3. The case of the petitioner is that she is the trustee of the subject temple. The petitioner's husband filed an application under Section 63(b) of the Hindu Religious and Charitable Endowments Act, 1959, to declare himself as the hereditary trustee. The application was dealt with by the Joint Commissioner in O.A.No.5/2002. Ultimately, the second respondent, through proceedings dated 17.02.2020, declared the petitioner's husband as the hereditary trustee.

4. While so, the first respondent initiated *suo motu* proceedings under Section 69(2) of the Hindu Religious and Charitable Endowments Act, 1959 and passed the impugned order dated 28.04.2025 setting aside



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the order passed by the Joint Commissioner. It is under these circumstances, the present writ petition came to be filed before this Court.

5. In the considered view of this Court, as against the order passed under Section 69(2) of the Hindu Religious and Charitable Endowments Act, 1959, there is an efficacious and alternate remedy available to the party aggrieved under Section 70 of the Hindu Religious and Charitable Endowments Act, 1959. The aggrieved party can file a suit before the concerned Court within a period of 90 days from the date of receipt of the impugned order. Therefore, in the light of such an efficacious remedy available to the petitioner, this Court is not inclined to exercise its jurisdiction under Article 226 of the Constitution of India.

6. In view of the above, liberty is granted to the petitioner to approach the competent civil Court and file a suit under Section 70 of the Hindu Religious and Charitable Endowments Act, 1959. Such a suit shall be filed within a period of two (2) weeks from the date of receipt of a copy of this order before the concerned Court. Till the suit is filed, the present *status quo* shall be maintained. It is made clear that if the



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N.ANAND VENKATESH, J

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petitioner fails to file the suit within the time fixed by this Court, the interim protection granted by this Court will stand automatically cancelled. If the suit is filed, the concerned Court shall deal with the interim application on its own merits and in accordance with law.

7. This writ petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

Registry is directed to return the original order passed by the first respondent in order to enable the petitioner to file a suit before the competent civil Court.

29.07.2025

Note: Issue order copy on 30.07.2025

Neutral Citation: Yes/No

Index: Yes/no

Speaking Order/Non-Speaking Order

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To

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Salai, Nungambakkam, Chennai - 600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department, Coimbatore.

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