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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-07-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

**WP No. 28104 of 2025
and WMP Nos. 31939 & 31940 of 2025**

1.Rajalingam

2.Umaidurai,

Petitioner(s)

Vs

1. The Secretary to Government
Tourism, Culture and Religious
Endowments Department, Secretariat,
Chennai-9

2.The Commissioner
Hindu Religious And Charitable
Endowments Department,
119, Nungambakkam High Road,
Chennai-34

3.The Joint Commissioner
Hindu Religious And Charitable
Endowments Department,
Kariya Perumal Kovil Street,
Salem-636 002



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4.The Executive Officer
Hindu Religious And Charitable
Endowments Department,
Salem Zone-1, Salem -636002

5.Mohan

6.Ramalingam

7.Kamala

8.Saravanan

9.Sankar

Respondent(s)

PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, call for the records pertaining to the impugned order dated 09.07.2025 in G.O. Pa. No.276 of Tourism Culture and Religious Endowments Department AA.NI.3.1 issued by the 1st Respondent and quash the same.

For Petitioner(s): Mr.V.R.Kamalanathan
V.Gunasekar

For Respondent(s): Mr.Arun Natarajan
Special Government Pleader
for R1 to R4

**ORDER**

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This writ petition has been filed challenging the impugned Government Order passed in G.O.Pa.No.276 dated 09.07.2025, wherein, the names of the petitioners were not nominated by the Government as Non Hereditary Trustees.

2.Heard Mr.V.R.Kamalanathan, learned counsel appearing on behalf of the petitioner and Mr.N.R.R.Arun Natarajan, learned Special Government Pleader appearing on behalf of respondents 1 to 4.

3.The case of the petitioners is that they are residing at Arisipalayam, Salem and they belonged to Vanniyar Community. The subject temple was constructed by their predecessors and the community people were maintaining this temple. The persons belonging to the community formed a Committee for restoring the temple and for that purpose, they collected money from residents. An application was filed before the Joint Commissioner for forming a Committee. A detailed enquiry was conducted by the 3rd respondent in



O.A.No.6 of 2000 and ultimately, the 3rd respondent appointed a Committee in
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which the names of the petitioners were also included.

4.The grievance of the petitioners is that the impugned Government Order has been passed and the names of the petitioners have been removed from the Committee and the names of two other persons have been included. Aggrieved by the same, the present writ petition has been filed before this Court.

5.In the considered view of this Court, the application that was dealt with by the 3rd respondent pertained to appointment of Non Hereditary Trustees. Totally the names of seven persons were considered and out of the same, the Joint Commissioner had appointed three persons as Non Hereditary Trustees as per Section 47 of the Act. Out of the remaining four persons, whose names were sent to the Government, the Government has nominated two persons as Hereditary Trustees. The names of the petitioners were not recommended/nominated.



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6. In the considered view of this Court, if the petitioners are aggrieved by the fact that their names have not been nominated, they have to necessarily file an application before the Sub Court under Section 47(4) of the Act. Such an efficacious and alternative remedy is available to the petitioners. There is absolutely no allegation made in the affidavit filed in support of the writ petition that the two persons who have been nominated by the Government viz., 8th and 9th respondents are not qualified. The learned counsel for the petitioner relied upon the Division Bench order passed by this Court in Rev.App.No.169 & 170 of 2021 dated 02.06.2023 and he specifically relied upon Paragraph No.18.2 in that order.

7. The above order does not help the case of the petitioners since those disqualification which have been stated by the Division Bench is not suffered by the 8th and 9th respondents and there are no allegations to that effect even in the affidavit filed in support of the writ petition.



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8. In view of the above, if the petitioners are aggrieved by the fact that their names were not nominated by the Government, they have to necessarily file an application before the Sub Court and ventilate their grievance. Except giving this liberty, no further orders can be passed in the present writ petition.

9. This writ petition is disposed of in the above terms. No Costs. Consequently, connected miscellaneous petitions are closed.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

SSR



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To

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N.ANAND VENKATESH J.

SSR

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