



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2025

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**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and**

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.A.No.403 of 2025

C.Manivannan

... Appellant

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
Uthamar Gandhi Salai,
Nungambakkam, Chennai – 600 034.
2. Joint Commissioner – II,
Hindu Religious and Charitable Endowments Department,
No.130, R.K.Mutt Road,
Mylapore, Chennai – 600 004.
3. Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
No.130, R.K.Mutt Road,
Mylapore, Chennai – 600 004.
4. Executive Officer,
Arulmigu Siddi Butti Vinayagar and Sundareshwarar Thirukovil,
Royapettah, Chennai – 600 014. ... Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 26.06.2023 passed in W.P.No.18616 of 2023.



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For Appellant : Mr.C.Manivannan (party-in-person)

For Respondents : Mr.N.R.R.Arun Natarajan,
Special Government Pleader
(HR & CE)

J U D G M E N T

(Judgment of the Court was made by **S.M.SUBRAMANIAM, J.**)

Under assail is the order dated 26.06.2023 passed in W.P.No.18616 of 2023.

2. The petitioner appearing-in-person, Mr.C.Manivannan, articulated his case by stating that his wife and five others were the hereditary trustees of Sri Kadumbadi Amman @ Kadumbadi Chinnammal Temple situated at 213, Bharathi Salai (Phycrofts Road), Royapettah, Chennai – 600 014. The petitioner, in his capacity as the husband of the suspended trustee, is claiming to be the successive hereditary trustee and filed the writ petition challenging the appointment of the fit person in the said Temple. The writ court elaborately considered the issues raised between the parties. By an order dated 12.08.2022, the petition filed by five



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petitioners claiming to be the hereditary trustees by way of succession was dismissed by the Joint Commissioner, HR & CE Department, Chennai, mainly on the ground that one Mr.T.Umapathy Chettiar was serving as a hereditary trustee of the said Temple. After the demise of the hereditary trustee, Mr.T.Umapathy Chettiar, the Joint Commissioner, HR & CE Department, Chennai, appointed a fit person vide order dated 01.02.2003 and it was set aside by the Commissioner, Chennai, through proceedings dated 14.07.2004 in R.Dis. AP 3/2004 (D2). After the dismissal of the said petition, the five petitioners filed another petition and the Joint Commissioner, HR & CE Department, Chennai, found that the requisite documents had not been filed along with the petition to substantiate their claim and consequently, the petition was dismissed.

3. A perusal of the order would indicate that the issues were not adjudicated on merits for want of documents. While so, the persons claiming to be the hereditary trustees are at liberty to submit all the requisite and necessary documents to establish their right by succession. In the event of establishing their right, their case is to be considered by the competent authorities.



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4. In the present case, the persons claiming to be the hereditary trustees by succession have not established their rights and therefore, a fit person was appointed. The petitioner is not claiming himself as a hereditary trustee but states that he is the husband of the hereditary trustee. The other persons claiming themselves as hereditary trustees have not been impleaded as parties in the writ proceedings. In the absence of those persons, an effective adjudication cannot be done. The petitioner has not established his *locus standi*. Thus, the writ petition itself is not entertainable. A fit person was appointed based on certain allegations and that being so, this court do not find any reason to interfere with the order passed in the writ petition, which is impugned.

5. Accordingly, the writ appeal stands dismissed. No costs.

(S.M.S.,J.) (K.R.S.,J.)
07.03.2025

skr
Index : Yes
Speaking order



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To

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S.M.SUBRAMANIAM, J.
and
K.RAJASEKAR, J.

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