



W.P.No.30222 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 03.09.2025

Coram:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

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1. Thiruvavaduthurai Adheenam
Thiruvavaduthurai,
represented by its Adheenakarthar
Sri-La-Sri Ambalavana Pandara Sannathi,
Tiruvavaduthurai Adheenam,
Tiruvavaduthurai, Mayiladuthurai District.
2. Sri-La-Sri Subramania Pandara Sannathi of
Aadhinakarthar of Sivagrahayogigal Mutt,
Suriyanar Koil, Thiruvidadaimaruthur Taluk,
Thanjavur District.

.. Petitioners

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowment,
Utamar Gandhi Road,
Nungambakkam, Chennai-600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Mayiladuthurai.
3. The Assistant Commissioner,
O/o Assistant Commissioner,



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Hindu Religious and Charitable Endowment,
No.1, Aayikulam Road, Kumbakonam,
Thanjavur District.

4. The Executive Officer,
A/m Thenupuriswarar Temple,
In-charge Officer of
Sivagraha Yogigal Mutt,
Patteswaram, Kumbakonam Taluk,
Thanjavur District - 612 703.
5. Sri Mahalinga Pandara Sannithi,
Suriyanar Koil, Thiruvudaimaruthur Taluk,
Thanjavur District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying for issuance of a Writ of Certiorarified Mandamus calling for the
records of the first respondent in Na.Ka.No.1560423/2025/S2, dated
07.07.2025 and quash the same and consequentially direct the fourth
respondent to hand over the keys of Sivagrahayogigal Mutt, Suriyanar Koil,
Thiruvudaimaruthur Taluk, Thanjavur District to either of the petitioners.

For petitioners : Mr.K.Chandrasekaran

For respondents: Mr.K.Karthikeyan, Govt. Advocate for RR-1 to 4

Mr.S.Anbazzhagan for R-5

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ORDER

Learned counsel for the petitioners submitted that the very same impugned order, dated 07.07.2025 has been challenged by Shri Sivakarayogi Swami Madam (Shri Suriyanar Kovil Aadheenam, rep. by its Adheenakartha, Shri-La-Shri Mahalinga Pandara Sanithi), before the Madurai Bench of Madras High Court in W.P(MD).No.21264 of 2025 and this Court, by order dated 05.08.2025, had disposed of the said Writ Petition with certain directions, relevant portion of which are extracted below :

"25. As long as the said order appointing a fit person remains in force, neither the petitioner nor the fourth respondent, both of whom are now pursuing remedies before the Civil Court in O.S.No.255 of 2024 can claim any independent right over the Aadheenam. However, it is not appropriate for the third respondent to continue as fit person for an indefinite period. Therefore, it is incumbent upon the Commissioner/first respondent to initiate proceedings under Section 59 of the Tamil Nadu Hindu Religious and



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Charitable Endowments Act, 1959, particularly, in view of the rejection of the petitioner's request for restoration of possession and control of the Aadheenam.

26. In the light of the above, while dismissing this Writ Petition, this Court directs the Commissioner/first respondent to initiate appropriate proceedings under Section 59 of the TN HR & CE Act, 1959. The impugned order rejecting the request for handing over the keys stands upheld, subject to the further directions herein.

27. Accordingly, a suit shall be instituted by the official respondents 1 and 2 before the competent Civil Court, as expeditiously as possible, and preferably within a period of two (2) months from the date of receipt of a copy of this order.

28. The rights of the petitioner to assume control of Shri Sivakarayogi Swami Madam, Shiru Suriyanar Kovil Aadheenam shall be subject to the judgment and decree to be passed by the Civil Court in terms of Section 59 of the Act, provided such proceedings are initiated within the stipulated



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period.

29. In the event no such suit is instituted by the Commissioner/first respondent within the said time frame, the petitioner's rights shall thereafter be governed by the outcome of the suit already instituted by him in O.S.No.255 of 2024, or otherwise in accordance with law.

30. At this stage, learned counsel for the petitioner submits that the petitioner's personal belongings are lying within the Aadheenam premises and seeks permission to retrieve them.

31. The said request is found to be reasonable. Accordingly, the petitioner is permitted to make a written request to the Commissioner/first respondent, who shall consider the same and permit the petitioner to take his personal belongings from the Aadheenam premises, in the presence of officials of the HR & CE Department.

32. This Writ Petition is accordingly disposed of with the above observations and directions. No costs. Consequently, connected miscellaneous petitions are closed."



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2. Hence, the above extracted order of this Court will cover the issue involved in the present Writ Petition also. Hence, this Writ Petition is disposed of, in the same terms as extracted above in W.P.(MD).No.21264 of 2025, by order dated 05.08.2025.

3. There shall be no order as to costs. The miscellaneous petitions are closed.

03.09.2025

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To

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4. The Executive Officer,
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