

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-08-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 30053 of 2025

AND

WMP NO.33682 OF 2025

1. K.Dhandapani
S/o. Late Kandasamy, Residing At
Alampalayam, Mathur Village,
Anthiyur Taluk, Erode District.

2. Siddhalayan
S/o. Late Perumal poosari,
Residing At Alampalayam,
Mathur Village, Anthiyur Taluk,
Erode District.

3.P.Narayanan
S/o.Perumalgounder, Residing At
Alampalayam, Mathur Village,
Anthiyur Taluk, Erode District.

Petitioner(s)

Vs

1. The Commissioner
Hindu Religious And Charitable
Endowment Department,
Nungambakkam, Chennai- 34.

2.The Joint Commissioner
Hindu Religious And Charitable
Endowment Department,
Chinnamuthu, 2nd Street,
Erode- 638 011. Erode District.



3.The Assistant Commissioner
Hindu Religious And Charitable
Endowment Department, Ex-
Servicemen Buildings, Erode-
638 001.

4.The Executive Officer
A/m.Selleeswarar Thirukovil,
Anthiyur, Erode District. As A
Thakkar Of A/m Ezhuthiya
Marathaiyanthiruokovil,
Alampalayam, Anthiyur Taluk,
Erode District.

5.The Deputy Superintendent Of
Police
Bhavani Sub Division, Erode
District.

6.V.Subramaniam
S/o.Venkadu, Kanakkankattu
Thottam, Alampalayam North,
Mathur Village, Anthiyur Taluk,
Erode District.

Respondent(s)

PRAYER

Writ petition filed under Article 226 of Constitution of India for the issuance of writ of Certiorarified Mandamus to call for the records relating to the impugned order dated 16.07.2025 issued by the 4th respondent, quash the same and consequently, forbear the respondents 1 to 4 from interfering with the petitioners affairs and administration over A/m. Ezhuthimarathaiyan Thirukovil, Alampalayam, Anthiyur Taluk, Erode District and pass orders.



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For Petitioner(s): Mr. N. Manoharan
For Mr.S.Ravichandran
Respondent(s): Additional Government
Pleader for R1 to R4
Mr.V.Meganathan
Government Advocate[Crl
Side] for R5

ORDER

This writ petition has been filed challenging the impugned proceedings of the 4th respondent dated 16.07.2025 and for a consequential direction to the respondents 1 to 4 not to interfere with the affairs and administration of the temple.

2. Heard Mr.N.Manoharan, learned counsel for the petitioner and Mr.S.Ravichandran, learned Additional Government Pleader for respondents 1 to 4 and Mr.V.Meganathan, learned Government Advocate[Crl Side] for 5th respondent.

3. This Court on an earlier occasion had dealt with WP No.17902 of 2025, which was filed by the 6th respondent. This writ petition was disposed of by an order dated 04.06.2015 and the relevant portions are extracted hereunder:-



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2. *This writ petition has been filed seeking issuance of a writ of mandamus directing the third respondent to act upon the representation made by the petitioner on 17.02.2025 wherein the petitioner has sought for initiating disciplinary proceedings against the respondents 4 and 5 for not taking any action to take over the temple under their administration by appointing a fit person.*

3. *When the matter was taken up for hearing today, learned Special Government Pleader appearing on behalf of the HR & CE Department submitted that the appointment of a fit person became a subject matter of challenge in a suit in O.S.No.173 of 2017 on the file of Subordinate Court, Bhavani. This suit ultimately came to be dismissed by judgment dated 16.08.2022. Thereafter, when steps were taken to take over the management of the temple, law and order problem was created and officials were prevented. Learned Special Government Pleader submitted that all steps will be taken to take over the administration of the temple with police help.*

4. *In the light of the above submission, this Court suo motu impleaded the Deputy Superintendent of Police, Anthiyur, Erode, as the sixth respondent and Mr.Leonard Arul Joseph Selvam,*



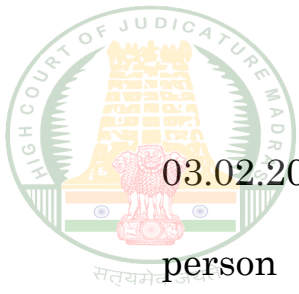
learned Government Advocate [Crl.side], took notice on behalf of the impleaded sixth respondent.

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5. Taking into consideration the facts and circumstances of the case and the materials placed before this Court, there shall be a direction to the third respondent to take effective steps to take control of the temple by appointing a fit person and if any law and order problem is created, the impleaded sixth respondent shall provide police protection and take action against those persons, who are creating law and order problem.

4. Pursuant to the above order, the impugned communication dated 16.07.2025 has been issued by the 4th respondent and the same has been put to challenge.

5. The learned counsel for the petitioners submitted that various facts were not brought to the notice of this Court. To substantiate the same, the learned counsel brought to the notice of this Court the scheme that was framed in OA No.14 of 1986 by an order dated 04.03.1988. The learned counsel also brought to the notice of this Court the order passed in WP No.2642 of 2017 dated



03.02.2017 wherein a request was made for appointment of the fit person and this Court issued directions to consider the representation. Thereafter, the fit person was appointed and recording the same, the subsequent writ petition in WP No.22901 of 2017 was closed by an order dated 09.10.2018.

6. The suit that was filed in OS No.173 of 2017 was dismissed for default and steps have already been taken to restore the suit filed in IA No.9 of 2024. The learned counsel for the petitioners submitted that even counter has been filed by the respondent in the said IA and this fact has not been brought to the notice of this Court. Therefore, according to the petitioners, if all the above facts had been brought to the notice of this Court, this Court would not have passed the earlier order in WP No.17902 of 2025 dated 04.06.2025.

7. In the considered view of this Court, the appointment of a fit person has taken place much earlier and the same was also recorded by this Court while passing an order in WP No.22901 of 2017 dated 09.10.2018. Till date, this order has not been set-aside or revoked in the manner known to law. In such a case, the consequence



would be that the fit person appointed will have to take over the administration of the temple. It is under such circumstances, the impugned communication dated 16.07.2025 has been issued by the 4th respondent.

8. This Court does not find any illegality in the said communication issued by the 4th respondent. Till the order appointing the fit person is intact, the consequence of the same cannot be put to challenge in a writ petition. It is also admitted that till date the suit filed by the petitioners has not been restored. Hence, the suit filed by the petitioners after it is restored, has to be proceeded with in the manner known to law and the judgement must be passed by a competent Court or the appointment of the fit person must be interfered in the manner known to law and till then, the fit person appointed cannot be prevented from taking over the administration of the temple.

9. In the light of the above discussion, this Court does not find any ground to interfere with the communication dated 16.07.2025 issued by the 4th respondent and accordingly, this writ petition stands dismissed. It is made clear that this order will not



come in the way of the petitioners challenging the appointment of the fit person in the manner known to law. No costs. Consequently, the connected miscellaneous petition is closed.

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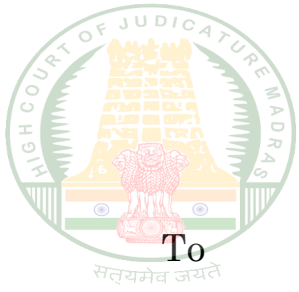
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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



To

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N.ANAND VENKATESH J.
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WP No. 30053 of
2025
WMP NO. 33682 OF
2025

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