



W.P.No.33226 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED 02.09.2025

CORAM

THE HONOURABLE Mr.JUSTICE **M.DHANDAPANI**

W.P.No.33226 of 2025 &
W.M.P.Nos.37351, 37352 and 37354 of 2025

R.S.Vadivelu

Petitioner

Versus

1. The Commisioner,
Hindu Religious and Charitable Endowment (Admn)
Department, Uthamar Gandhi Road,
Nungambakkam, Chennai – 600 034
2. The Regional Joint Commissioner
Hindu Religious and Charitable Endowment (Admn)
Department, Erode
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowment (Admn)
Department,Namakkal
4. The Executive Officer,
Athanooramman Temple, Athanoor,
now appointed as Fit Person in
Mariamman Sellandlyamman Thirukovil,
Vennandur Village, Rasipuram Taluk,
Namakkal District
5. Vijayakumar
6. Periyasami

Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records relating to the impugned order dated 31.07.2025 passed by the 2nd respondent in I.A.No.16 of 2025 in R.P.No.5 of 2024 and quash the same.



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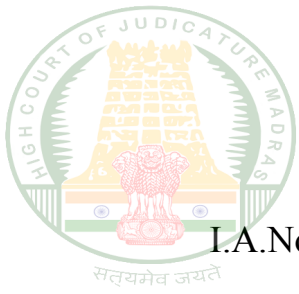
For Petitioner : Mr.U.Gowri Shankar

For Respondents : Mr.N.R.R.Arun Natarajan for R1 to R4
Special Government Pleader (HR&CE)

ORDER

This Writ Petition has been filed to call for the records relating to the impugned order dated 31.07.2025 passed by the 2nd respondent in I.A.No.16 of 2025 in R.P.No.5 of 2024 and quash the same.

2. The learned counsel appearing for the petitioner would submit that the petitioner is a worshiper of Arulmigu Mariyamman / Sellandiyamman temple. The temple is an ancient temple governed by a Scheme of Administration framed in O.A.No.54 of 1975 dated 21.09.1976. The scheme stipulates appointment of non-hereditary trustees exclusively from the Nattugounder community. Further, without implementing the scheme, the 5th and 6th respondents assumed control, thereby committed gross mismanagement and encroached the temple lands, thereby misappropriated the temple funds. Hence the petitioner made a representation before the Assistant Commissioner and the Assistant Commissioner appointed Fit Person on 15.02.2024, as against which, the 5th and 6th respondents preferred Revision Petition before the Regional Joint Commissioner in R.T.No.5 of 2024 and also filed



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I.A.No.16 of 2024 and the said I.A. Was disposed of by the Regional Joint Commissioner on 31.07.2025 by granting interim stay for appointment of fit person. Challenging the same, the present writ petition is filed.

3. Per contra, the learned counsel for the respondents 5 and 6 would submit that the petitioner is aggrieved by the stay granted by the 2nd respondent / Regional Joint Commissioner as against the appointment of fit person, which is not sustainable

4. Per contra, the learned Special Government Pleader appearing for the respondents 1 to 4 would submit that the petitioner's prayer is for appointment of non-hereditary trustees and in the present case, already the 2nd respondent by way of impugned order dated 31.07.2025 issued direction to the 3rd respondent to appoint non-hereditary trustees in terms of the scheme in which the petitioner may not be aggrieved and non- hereditary trustees will be appointed in terms of the provision of the scheme in O.A.No.54 of 1975 dated 21.09.1976 within a time fixed by the Court.

5. It is relevant to note that the temple is an ancient temple



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governed by a Scheme framed in O.A.No.54 of 1975 dated 21.09.1976,

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however, without implementing the scheme, the 5th and 6th respondents assumed control, the petitioner made a representation before the 3rd respondent and the 3rd respondent appointed Fit Person on 15.02.2024, as against which, the 5th and 6th respondents preferred Revision Petition before the Regional Joint Commissioner in R.T.No.5 of 2024 and also filed I.A.No.16 of 2024 and the said I.A., was disposed of by the 2nd respondent / Regional Joint Commissioner on 31.07.2025 by granting interim stay for appointment fit person and issued direction to the Assistant Commissioner to complete the formalities to appoint regular non-hereditary trustees to the temple in terms of the scheme in O.A.No.54 of 1975 dated 21.09.1976 within a period of three months. Moreover, in fact, the prayer of the petitioner itself before the 3rd respondent is for appointment of non-hereditary trustees to the temple.

6. Considering the above said facts and circumstances of the case, this Court without interfering with the impugned order dated 31.07.2025, is inclined to direct the 3rd respondent to appoint non-hereditary trustee, as per the terms stipulated in O.A.No.54 of 1975 dated 21.09.1976 by conducting enquiry and after providing opportunity to the



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petitioner and other interested persons including the 5th and 6th respondents and conclude the same within a period of eight weeks from the date of receipt of copy of this order.

In the result, the Writ Petition is disposed of with the above said directions. Consequently, connected miscellaneous petitions are closed. No costs.

02.09.2025

Index: Yes/No

Internet: Yes/No

Speaking /Non speaking Judgment

ssd

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