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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P.NO.33517 of 2025

and WMP.No.37659 of 2025

R.Varadharajan

... Petitioner

Vs.

1. The Commissioner
HR & CE Department,
Uthamar Gandhi Road,
Nungambakkam, Chennai-34.

2. The Joint Commissioner,
HR & CE Department,
Thiruvannamalai.

..... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order of the second respondent in M.P.No.23/2024/aa2 dated 30.06.2025 and quash the same as illegal and unlawful and consequently, direct the respondents to register the petitioner as one of the hereditary trustees of the Arulmigu Thimmarayasamy Temple located in the Periyamuthur Village, Krishnagiri Taluk and District.

For Petitioners : Mr. S.Vasavi Sridevi

For Respondents : Mr.S.Ravichandran, AGP
HR & CE



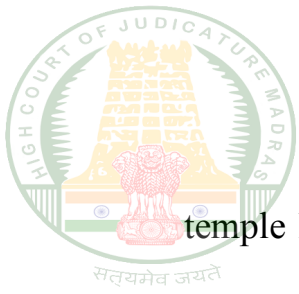
ORDER

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The writ petitioner seeks to quash the impugned order of the second respondent in M.P.No.23/2024/aa2 dated 30.06.2025 and consequently, direct the respondents to register the petitioner as one of the hereditary trustees of the Arulmigu Thimmarayasamy Temple located in the Periyamuthur Village, Krishnagiri Taluk and District.

2. It is the case of the petitioner that the petitioners father, Late Ragaviah was declared the Hereditary Trustee of Arulmigu Thimmarayasamy Temple under Section 63(b) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, in OA. No.34 of 1964 dated 20.07.1965 of the Deputy Commissioner, Madras. After death of his father on 1997, the petitioner has been functioning as Hereditary Trustee cum Poojari of the Temple. The petitioner filed a petition under Section 54(1) of the HR & CE Act to register him as hereditary Trustee before the Joint Commissioner, Tiruvannamalai and the same was rejected his application vide impugned order dated 30.06.2025. Aggrieved against the same, the petitioner has filed the present writ petition.

3. The learned counsel for the petitioner submitted that leasing the



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temple lands and removing the encroachments are joint responsibilities of the hereditary trustees and HR & CE officials. The impugned order unfairly finds fault with the petitioner ignoring the respondent's own statutory duties. Hence, this Court may set aside the impugned order by allowing this petition.

4. Learned Additional Government Pleader appearing on behalf of the respondents submitted that there is an effective appeal remedy available before the Commissioner as against the order passed by the second respondent. Hence, the claim made by the petitioner cannot be considered before this Court.

5. Heard the learned counsel on either side and perused the materials available on record.

6. As rightly pointed out by the learned Additional Government Pleader, as against the order passed by the 2nd respondent, there is an effective alternative remedy available before the first respondent under Section 26(5) of the HR & CE Act. Without filing an appeal before the Commissioner, the petitioner has filed the present writ petition, which is not sustainable one.



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M. DHANDAPANI .J.

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7. Accordingly, this writ petition is dismissed. No order as to costs. Consequently, connected miscellaneous petition is closed. The petitioner is at liberty to file appeal before the first respondent within a period of two weeks from the date of receipt of a copy of this order. Upon filing such appeal, the first respondent shall consider and pass orders on the same within a period of twelve weeks thereafter.

04.09.2025

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To

1. The Commissioner
HR & CE Department,
Uthamar Gandhi Road,
Nungambakkam, Chennai-34.

2. The Joint Commissioner,
HR & CE Department,
Thiruvannamalai.

W.P.NO.33517 of 2025

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