



WEB COPY



W.P.No.37259 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:26.09.2025

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.37259 of 2025
and W.M.P.No.41683 of 2025

P.Balasubramaniam

... Petitioner

Vs

1.The Commissioner,
Hindu Religious & Charitable Endowment Department,
Nungambakkam, Chennai-600034.

2.The Joint Commissioner,
Hindu Religious & Charitable Endowment Department,
Dr.Balasundaram salai,
Coimbatore-641 018.

3.The Assitant Commissioner,
Hindu Religious & Charitable Endowment Department,
Jawans Bhavan, 2nd Floor, Gandhiji road,
Erode-638 001.

4.The Executive Officer (A/M.Chinna Ongaliyamman Temple)
In charge of A/M.Padavettiamman & A/M.Vaempadi Muthusamy temple,
Tiruchengodu Town and Taluk,
Namakkal District.

5.The Fit person, (At Present),
A/M.Padavettiamman and
A/M.Vaempadi Muthusamy temple,
Pillur village,
Paramathi Taluk,
Namakkal District,
Office at,
A/M Chinna Ongaliyamman Temple,



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Tiruchengodu Town and Taluk,
Namakkal District.

6.The Joint Commissioner,
Hindu Religious & Charitable Endowment Department,
Erode.

*[R-6 impleaded vide order dated 26.09.2025
made in W.P.No.37259 of 2025]*

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for records pertaining to the proceedings issued by the 1st Respondent in Se.Mu.Ne.Mu.No:1011675/2024/L5 dated 11.08.2025 and quash the same.

For Petitioner : Ms.V.S.Usharani

For Respondents : Mr.K.Karthikeyan,
Government Advocate (HR & CE)
for RR-1 to 6

ORDER

Challenging the order passed by the 1st respondent appointing the 4th respondent as an Executive Officer of the subject temple, the present Writ Petition has been filed.

2. Mr.K.Karthikeyan, learned Government Advocate (HR & CE) takes notice on behalf of respondents 1 to 6.

3. Brief facts that are necessary for disposal of this Writ Petition are:-

The petitioner is the president of the management committee constituted



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for the management and administration of Chinna Ongaliyamman Thirukoil, Thiruchengode taluk, Namakkal district. However, the 3rd respondent had appointed a 'fit person' vide proceedings dated 06.02.2023 without following the mandatory provisions contemplated under Section 47 of the Special Enactment. Thereafter, a petition under Section 64(1) of Tamil Nadu HR & CE Act was filed in O.A.No.8 of 2023 before the Joint Commissioner, Erode for framing of schemes and the said application was allowed on merits vide order dated 07.08.2025. However, without publishing the schemes framed by the Joint Commissioner, Erode, the present impugned order has come to be passed by the 1st respondent appointing the Executive Officer for the aforesaid temple under Section 45(1) of Tamil Nadu HR & CE Act. Being aggrieved by the same, the petitioner has come up with the present Writ Petition.

4. Learned counsel appearing for the petitioner submitted that, though the petitioner was serving as a de-facto trustee by taking care of the administration of the temple, no opportunity of hearing was given to the petitioner before passing the impugned order which is in violation of principles of natural justice as well as the procedure contemplated under Section 47 of the Tamil Nadu HR & CE Act. Therefore, it is prayed that this Court may issue a direction to the respondents to publish the schemes framed by the Joint Commissioner, Erode in the Official Gazette within the time frame that may be stipulated by this Court and also liberty may be granted to the petitioner to file an application under Section 64-B



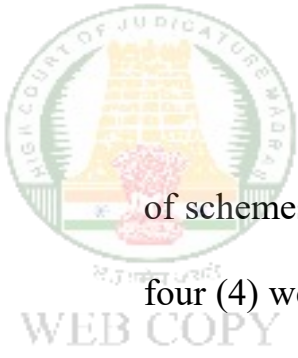
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of the Tamil Nadu HR & CE Act for appointment of a fit person.

5. Learned Government Advocate (HR & CE) appearing for the respondents submitted that the schemes framed by the Joint Commissioner, HR & CE, Erode in O.A.No.8 of 2023 will be published in the Official Gazette and thereafter, the petitioner's application for appointment of fit person will be considered and appropriate orders will be passed within the time that may be stipulated by this Court.

6. The petitioner has challenged the impugned order of appointment of an Executive Officer to the subject temple on the ground that the schemes framed by the Joint Commissioner, HR & CE Department, Erode in O.A. No.8 of 2018 has not been published in the Official Gazette till date and that no opportunity of hearing was given to the petitioner before appointing the Executive Officer.

7. However, in view of the stand taken by the learned Government Advocate (HR & CE) with regard to publication of schemes in the official Gazette, the Joint Commissioner, HR & CE Department, Erode being the appropriate authority to deal with the issues relating to settlement of schemes for proper administration of the temple as also the appointment of fit person, without the authority's impleadment, the stand taken by the learned Government Advocate cannot fructify. In such view of the matter, this Court *suo-moto* impleads the Joint Commissioner, HR & CE Department, Erode as the 6th respondent. The 6th respondent is directed to take steps to effect the publication



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of schemes framed in O.A.No.8 of 2018 in the Official Gazette within a period of four (4) weeks from the date of receipt of a copy of this order. However, liberty is granted to the petitioner to file an appropriate application before the 6th respondent. If any such application is filed, the 6th respondent is directed to consider the same on merits and pass appropriate orders after affording an opportunity of hearing to the petitioner within a period of six (6) weeks from the date of filing of the said application.

8. This Writ Petition stands disposed of in the above terms. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

26.09.2025

Index : Yes / No

Speaking Order / Non-speaking order

Neutral Citation Case : Yes / No

Nhs



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M.DHANDAPANI, J

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