



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**
AND
THE HONOURABLE MR.JUSTICE **C.KUMARAPPAN**

W.A.No. 275 of 2025
and CMP No.2070 of 2025

1. Sri Nithyananda Swami
Founder,
Nithyananda Dhyanapeetam
Bidadi,
Bangalore, Karnataka
and Madathipathi of
Sri. Somanatha Swami Temple & Mutt
Thiruvavarur.
 2. Madathipathi of Sri Arunachala Gnanadesikar Swami
Temple & Mutt
Vedaranyam
 3. Madathipathi of Sri. Po.Ka. Sathukal Madam,
Vedaranyam.
 4. Madathipathi of Sri Palsamy Mutt & Sri Sankara Swami Mutt
Thanjavur
Rep. By his power agent
Ma.Nithyagopikananda @ Umadevi G
D/o. Govindharaj,
Nagapattinam District
- ...Appellants

Vs.



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1. The Commissioner,
Hindu Religious and Charitable Endowment Board,
Nungambakkam, Chennai - 600 034.

2. The Revenue Divisional Officer,
Thiruvarur.

3. Pechiannan

4. R. Chinnaiyan

5. K.V. Rajagopal

..Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 04.09.2024 passed in WP No.21276 of 2017 and allow the Writ Petition and the Writ Appeal as prayed for.

For Appellant : Mr.P.Godson Swaminathan, Senior Counsel
For M/s.Isaac Chambers

For Respondents : Mr.N.R.R. Arun Natarajan,
Additional Advocate General, for R1

Mr.Vadivelu Deenadayalan
Additional Govt. Pleader, for R2



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J U D G M E N T

*(Judgment of the Court was delivered by **R.SUBRAMANIAN, J.**)*

Challenge is to the order of the Writ Court dismissing the challenge of the appellant to the order of the Commissioner, HR & CE, recommending appointment of the Executive Officer to Sri Somanatha Swami Temple & Mutt at Thiruvarur, Sri Arunachala Gnanadesikar Swami Temple & Mutt at Vedaranyam, Sri Po.Ka.Sathukal Madam at Vedaranyam and Sri Palsarny Mutt & Sri Sankara Swami Mutt, Thanjavur.

2. According to the appellants/petitioners, the orders appointing the Executive Officer have been passed behind their back in violation of the orders of injunction granted by the Civil Courts. The Commissioner, HR & CE had taken notice of a very serious dispute in the Management of these Temples and Mutts and had appointed an Executive Officer in order to safe guard their properties.

3. The fact that there are civil suits pending is admitted. Though the



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appellants/petitioners have been favoured with an order of injunction restraining certain individuals from interfering with their administration of the above said Temples and Mutts, the same cannot deter the Department from exercising powers under Section 60 of the Tamilnadu Hindu Religious and Charitable Endowments Act. It is the contention of the appellants that they are entitled to be in Management and therefore, the appointment of the Executive Officer is flawed.

4. As rightly pointed by the learned Single Judge, the first petitioner himself, who claims to be the Madathipathi of all the four Temples and Mutts, is not in India and it is claimed that he is staying in an island off the Coast of North America. Therefore, when the said Madathipathi is not present in the country, there should be somebody to look after the administration of the Temples and Mutts. It cannot be left to some power agent who cannot be held accountable at a later point of time.

5. Hence, we see no reason to interfere with the order of the learned Single Judge, the Writ Appeal fails and it is accordingly dismissed. All the



above observations made by us or by the learned Single Judge in the order impugned before us will not affect the rights of the parties before the Civil Court. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

(R.SUBRAMANIAN, J.) (C.KUMARAPPAN, J.)
31.01.2025

jv

Index : No

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Speaking order

To

1. The Commissioner,
Hindu Religious and Charitable Endowment Board,
Nungambakkam, Chennai 600 034.
2. The Revenue Divisional Officer,
Thiruvavur.



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R.SUBRAMANIAN, J.
and
C.KUMARAPPAN, J.

jv

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