

W.P.No.45575 of 2025P.B.BALAJI, J.

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Learned counsel for the petitioner has made a mention seeking return of the original impugned order passed by the Joint Commissioner / 2nd respondent herein, to enable him to prefer a regular appeal before the 1st respondent.

2.Mr.Bharanidharan, learned Standing Counsel for the 3rd respondent has no serious objections. In view of the order passed on 21.11.2025, granting liberty to the Writ Petitioner to file an appeal within a period of four (4) weeks from the date of receipt of a copy of the order.

3.In light of the above, the original impugned order of the 2nd respondent, which has been filed along with the Writ Petition, shall be returned to the counsel for the Writ Petitioner across getting an acknowledgement from the counsel for the petitioner. The time for preferring the appeal before the 1st respondent is extended by two (2) weeks from the date of receipt of a copy of the impugned order passed by the 2nd respondent.

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-11-2025

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THE HON'BLE MR.JUSTICE P.B. BALAJI

WP No. 45575 of 2025

S.Anantha Desikan

..Petitioner(s)

Vs

1. The Commissioner
Hindu Religious And Charitable Endowments
Department, No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai-600034
2. The Joint Commissioner
Hindu Religious And Charitable Endowment
Department, District Collectorate Campus,
Kanchipuram-1
3. The Assistant Commissioner/executive Officer
Arulmigu Devarajaswamy Temple,
Chinnakanchipuram

..Respondent(s)

Prayer: Writ petition filed under Article 226 of Constitution of India for issuance of writ of Certiorarified Mandamus seeking a direction to call for the records relating to impugned proceedings of the 2nd respondent dated 20.12.2024, passed in OA No.1 of 2024 and quash the same and consequently directing the respondents 2 to 3 to honour Shri Parasara Battar with Sathumurai Sevai and other necessary rituals during his birth star(Tamil Month Vaikasi-Anusham) and any other appropriate occasions by following the orders of the 1st respondent issued in the year 1942 and 2006.



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For Petitioner(s): Mr.K.S.Navin Balaji

For Respondent(s): Mr.K.Karthekeiyan

Government Advocate (for R1 and R2)

Mr.R.Bharanidharan

Standing Counsel (For R3)

ORDER

This writ petition is filed seeking a writ of certiorarified mandamus to call for the records relating to impugned proceedings of the 2nd respondent dated 20.12.2024, passed in OA No.1 of 2024 and quash the same and consequently directing the respondents 2 to 3 to honour Shri Parasara Battar with Sathumurai Sevai and other necessary rituals during his birth star (Tamil Month Vaikasi-Anusham) and any other appropriate occasions by following the orders of the 1st respondent issued in the year 1942 and 2006.

2. Heard Mr.K.S.Navin Balaji, learned counsel for the petitioner and Mr.K.Karthekeiyan, learned Government Advocate who takes notice for 1st and 2nd respondent and Mr.R.Bharanidharan, learned Standing Counsel who takes notice for the 3rd respondent.

3. The grievance of the petitioner is that, for establishing custom and usage and to honour Shri Parasara Bhattar, despite several representations made by the petitioner and others, the department has not taken any action. The



petitioner, therefore, approached this Court in W.P.No.13809 of 2022. That writ petition was disposed of by directing the petitioner to make an original application under Section 63(e) of the Hindu Religious and Charitable Endowments Act, 1959 (Act). Subsequently, the petitioner has moved the department under Section 63 (e) of the Act and after conducting enquiry, final orders have been passed by the 2nd respondent. The petitioner now complained that the enquiry was in violation of the enquiry rules under the Act and the petitioner have been deprived of fair opportunity to even mark documents.

4. Mr.K.Karthekeiyan, learned Government Advocate for 1st and 2nd respondent and Mr.R.Bharanidharan, learned Standing Counsel for the 3rd respondent would submit that the petitioner has voluntarily participated in the enquiry proceedings before the 2nd respondent and documents have also been marked on the side of the petitioner and all this have been considered and the final orders have been passed. The said order is appealable under Section 69 of the Act and there is also a further statutory appeal to the civil Court under Section 70 of the Act.

5. Therefore, the objections of the learned counsel for the respondents is that, the writ petition straight away challenging the order of the 2nd respondent is not maintainable, when there is an effective alternate remedy.



6. It is brought to my notice that the petitioner has not only participated before the 2nd respondent, but has also chosen to file detailed written arguments as well. Even in the written arguments also, there is no grievance expressed by the petitioner that the petitioner is deprived of a fair opportunity and that he was not permitted to lead evidence.

7. Therefore, at this stage it is not open to the petitioner to complain that there has been a breach of the enquiry rules under the Act. It is always open to the petitioner to file a regular appeal to the Commissioner/ 1st respondent and raise all his objections to the order of the 2nd respondent, before the Commissioner in the said appeal.

8. In light of the above, I am not inclined to pass any orders as prayed for in this writ petition. Liberty is given to the petitioner to file a regular appeal before the 1st respondent. If the appeal is filed within a period of four (4) weeks from the date of receipt of a copy of this order, the 1st respondent shall not deny a hearing to the petitioner and shall entertain the petition and after hearing the petitioner on merits and the department officials as well, pass final orders, in the said appeal. It is open to the petitioner to canvass all his objections taken in the present writ petition in the said appeal. Any observations that may have been made in this order shall not prejudice the 1st respondent, who shall independently decide the appeal.



9. In the above terms, this writ petition is disposed of. No costs.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

1. The Commissioner

Hindu Religious And Charitable Endowments
Department, No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai-600034

2. The Joint Commissioner

Hindu Religious And Charitable Endowment
Department, District Collectorate Campus,
Kanchipuram-1

3. The Assistant Commissioner/executive Officer

Arulmigu Devarajaswamy Temple,
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