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W.P.No.49545 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.49545 of 2025

and

W.M.P.Nos.55382 & 55384 of 2025

1. S.Sakthivel

2. S.Muruganandham

3. S.Maruthachalam

..Petitioners

Vs

1. The Commissioner,
Hindu Religious & Charitable Endowment Department,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai – 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Dr.Balasundram Road,
Coimbatore – 641 018.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Dr.Balasundram Road,
Coimbatore – 641 018.
4. The Fit Person,
(The Executive Office incharge of A/m.Mariamman,
Angalamman Thirukoil, Somandurai,
Chitoor (Village), Anaimalai,
Coimbatore District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorari, calling for the records pertaining to the proceedings issued by the third respondent in Se.Mu.Na.Ka.No.1918/2005/A6 dated 13.11.2025 and quash the same and further quash the consequential demand notice dated 27.11.2025.

For Petitioner : Mrs.V.S.Usha Rani

For R1 to R3 : Mr.S.Ravichandran
Additional Government Pleader

ORDER

The writ petition is filed challenging the impugned order dated 13.11.2025 in Se.Mu.Na.Ka.No.1918/2005/A6, thereby appointing a Fit Person to the temple.

2. The learned counsel appearing on behalf of the petitioners would submit that the petitioners are the families who are taking care of the temple as hereditary trustees. When the father of the petitioners has already been recognised as a hereditary trustee, what remains is to record any one of the petitioners as the hereditary trustee. The law is also clear that with reference to hereditary trustees, the office is by succession and the exercise to be done by the respondents is only to record the office and their act will not confer the trusteeship.



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3. In that view of the matter, when the temple is taken away from the hereditary trustees on the allegation that the properties of the temple are not maintained properly, at least a show cause notice ought to have been given. Especially when, on such allegations, a Fit Person is appointed and the petitioners are divested of the management of the temple, the impugned order ought not to have been passed without affording an opportunity to the petitioners.

4. After the learned counsel made the submissions, when the Court specifically raised a query as to what happened to the 48 acres, two submissions were specifically made. One, the pattas which were in the name of individuals have already been mutated in the name of the temple. Secondly, the entire 48 acres are under the cultivation of tenants and they are paying the due rent to the temple. Only on recording the said submissions, the Court is further considering the matter.

5. The learned Additional Government Pleader appearing on behalf of the respondents submits that the respondents have the power to appoint a Fit Person in view of the best interests of the administration of the temple.



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6. I have considered the rival submissions made on either side and perused the material records of the case.

7. When it is demonstrated before this Court that the petitioners' father was already recognised as a hereditary trustee, after his demise, it goes without saying that the office of the hereditary trustee would fall upon one of the petitioners and if there is any misfeasance or malfeasance, they have to be removed in the manner known to law.

8. Even for appointing a Fit Person on allegations of mismanagement, an opportunity ought to have been given to the petitioners. Since the impugned order is passed without affording any opportunity to the petitioners, keeping open the liberty of the respondents to pass fresh orders after issuing a show cause notice to the petitioners, I am of the view that the present impugned order dated 13.11.2025 cannot be sustained. Since the petitioners have made a positive averment that the entire 48 acres are in the possession of tenants and that they are paying rent, the respondents shall also immediately look into the same and refix the rent or re-auction the property and steps in that regard can also be simultaneously taken to ensure that the entire lease rent/amount comes to the temple.



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9. In view of the above, the writ petition is **allowed** by quashing the impugned order dated 13.11.2025 in Se.Mu.Na.Ka.No.1918/2005/A6, with liberty to the respondents to issue a fresh show cause notice to the petitioners and decide the matter afresh in accordance with law and to forthwith take appropriate action with respect to the lands. Consequently, connected miscellaneous petition is closed. No costs.

18.12.2025

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Neutral Citation: Yes/No
nsl

To

1. The Commissioner,
Hindu Religious & Charitable Endowment Department,
Uthamar Gandhi Salai,
Nungambakkam, Chennai – 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Dr.Balasundram Road,
Coimbatore – 641 018.
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Hindu Religious and Charitable Endowment Department,
Dr.Balasundram Road,
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(The Executive Office incharge of A/m.Mariamman,
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D.BHARATHA CHAKRAVARTHY, J.

ns1

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D.BHARATHA CHAKRAVARTHY.J.,

The matter is listed under the caption “for being mentioned”.

2. When the matter came up for hearing, it was brought to the notice of this Court that in the order dated 18.12.2025 in W.P.No.49545 of 2025, there was a typographical error in prayer portion and therefore, instead of Se.Mu.Na.Ka.No.1918/2005/A6, the same shall be replaced as Se.Mu.Na.Ka.No.1918/2015/A6.

3. The Registry is directed to issue a fresh order copy by carrying out the said correction.

06.02.2026

nsI



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nsI

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06.02.2026