



W.P.(MD)No.3078 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

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and

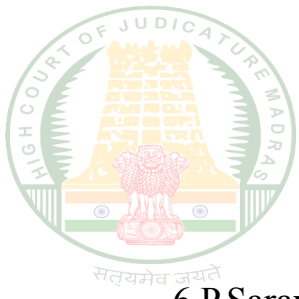
W.M.P.(MD)Nos.2149, 2150, 2151 and 3373 of 2025

Vaniyan Kovil Trust,
Through its Secretary,
T.P.S.Palaniandi Chettiar,
3/86A, Thaniyavel Nagar,
Attrangarai – 628 904,
Vilathikulam Taluk,
Tuticorin District.

... Petitioner

-VS-

- 1.The Joint Commissioner,
HR and CE, Tuticorin.
- 2.The Assistant Commissioner,
HR and CE, Tuticorin.
- 3.The Inspector,
HR and CE, Vilathikulam Taluk,
Tuticorin District.
- 4.The Tahsildhar,
Vilathikulam Taluk,
Tuticorin District.
- 5.S.Mahendran



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6.P.Saravanakumar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings of the second respondent in Se.Mu.Na.Ka.No. 105/2024/A1, dated 08.02.2024 and also the legal notice dated 08.01.2025, issued by the third respondent to the petitioner herein and quashing the same and consequently, directing the respondents 1 to 3 herein to take steps for an enquiry for illegal collection of money by the respondents 5 and 6 by misusing the name of Arulmighu Aathi Sivan Pathrkaali Amman Thirukovil, Atrangarai Village, Vilathikulam Taluk, Tuticorin District and direct them to take steps for performance of Thiruppani and Kumbhabisekam in the said Temple by considering rules and procedures in that regard.

For Petitioner	:	Mr.VR.Shanmuganathan
For R1 to R4	:	Mr.K.S.Selvaganesan Additional Government Pleader
For R5 and R6	:	Mr.T.Lajapathi Roy Senior Counsel for Mr.M.Mahoob Fazil

ORDER

Heard Mr.VR.Shanmuganathan, learned counsel for the petitioner,
Mr.K.S.Selvaganesan, learned Additional Government Pleader for the



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respondents 1 to 4 and Mr.T.Lajapathi Roy, learned Senior Counsel for the respondents 5 and 6.

2. The petitioner is before this Court challenging the impugned order dated 08.02.2024, passed by the second respondent/Assistant Commissioner, H.R. & C.E., Thoothukudi, appointing the sixth respondent as the non-hereditary trustee under Section 49 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as 'the H.R. & CE Act'). The petitioner is also aggrieved by the legal notice dated 08.01.2025, issued by the third respondent, directing the petitioner to submit an account of the amounts received by the petitioner Trust under the name of the Temple, failing which, the third respondent will take action to cancel the petitioner Trust's licence.

3. It is the specific case of the petitioner that the impugned order appointing the non-hereditary trustee was never communicated to anyone. No notice was issued before the alleged appointment calling for applications for the appointment of trustees and there was no selection process. The District Committee passed a resolution on 08.02.2024 and the appointment was made on

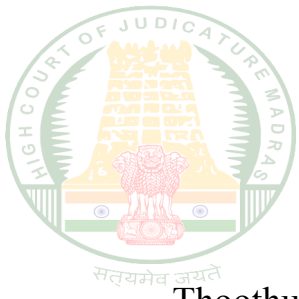


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the same day. The District Committee is required to recommend a panel of names, after which the competent authority should make the appointment. The order was neither communicated nor the sixth respondent has assumed office in the temple till date.

4. The petitioner further submits that the impugned legal notice was issued in response to the complaint lodged by the petitioner against the respondents 5 and 6. They began collecting money for the Kumbhabisekam of the temple by printing invitations independently, without convening a general body meeting. Further, no Thirupani Committee was formed as per the Rules and no permission from the H.R. and C.E. Department was obtained for either the Thirupani or the Kumbhabisekam.

5. On the other hand, the learned Additional Government Pleader appearing for respondents 1 to 4 submits that the management of the temple is being carried out by the Trustee. Regarding the renovation and Kumbhabisekam of the temple, a proposal was received from the expert of the Archaeology Department and the Zonal Spathi through the Trustee. The said proposal was placed before the



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Thoothukudi Zonal Expert Committee Meeting on 24.01.2025, where permission was granted for the renovation of the temple. Once approval is obtained from the State Level Expert Committee, steps will be taken to carry out the repair works and secure the necessary permission from the Department.

6. The learned Senior Counsel appearing for the respondents 5 and 6 submits that prior to the appointment of the non-hereditary trustees, a proper notice was published by the second respondent on 16.11.2023. A copy of the said proceedings was also displayed at the entrance of the temple and the selection process was carried out in accordance with the procedure outlined under the H.R. & C.E. Act.

7. It is further submitted that, in any event, the petitioner has an alternate remedy to challenge the order by way of revision under Section 21 of the H.R. and C.E. Act.

8. I have considered the submissions of the learned counsel for the petitioner, learned Additional Government Pleader for the respondents 1 to 4 and the learned Senior Counsel for the respondents 5 and 6.



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9. Reading of Section 49 of the H.R. and C.E. Act, makes it clear that the petitioner was not entitled to any special notice before the appointment was made under the impugned order. All that was required from the petitioner was to respond to the advertisement dated 16.11.2023, calling for applications for being appointed as the non hereditary trustee. The petitioner, who slept over his right, cannot question the order appointing the fifth respondent in a Writ proceeding.

10. However, liberty is given to the petitioner to challenge the appointment of the fifth respondent under Section 21 of the H.R. and C.E. Act. The petitioner is entitled to obtain all the records from the H.R. and C.E. Department before filing a revision before the respondents.

11. It is made clear that in case, such a Revision Petition is filed within a period of 30 days from the date of receipt of a copy of this order by the petitioner, the concerned Joint Commissioner shall entertain the Revision Petition without reference to the limitation and dispose of the same on merits and in accordance with law.



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12. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

NCC : Yes / No
Index : Yes / No
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24.02.2025

To:-

- 1.The Joint Commissioner,
HR and CE, Tuticorin.
- 2.The Assistant Commissioner,
HR and CE, Tuticorin.
- 3.The Inspector,
HR and CE, Vilathikulam Taluk,
Tuticorin District.
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