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W.A.(MD)NO.118 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.A.(MD)No.118 of 2023 AND
C.M.P.(MD)Nos.1535 & 6010 of 2023

1. M.Sonaimuthu
2. M.M.Muthunayagam ... Petitioners / Appellants
Vs.

1. The Commissioner,
Hindu Religious and Charitable
Endowments(Admin) Department,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai.

2. The Joint Commissioner,
Hindu Religious and Charitable
Endowments(Admin) Department,
Ellis Nagar, Madurai.

3. The Assistant Commissioner,
Hindu Religious and Charitable
Endowments (Admin) Department,
Madurai.

4. The Executive Officer,
Arulmigu Edaganathasamy Temple,
Thiruvedagam, Vadapatti Taluk,
Madurai District.

5. Anbu Muthusamy ... Respondents / Respondents



Prayer: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 15.12.2022 made in W.P.(MD)No.6890 of 2019 and allow the writ appeal as prayed for.

For Appellant : Shri.V.Ragavachari,
Senior counsel,
for Mr.S.Ramesh.

For R-1 to R-3 : Mr.P.Subbaraj,
Special Government Pleader.

For R-4 : Mr.C.Gugaseelarupan

For R-5 : Mr.V.Nagendran

* * *

J U D G M E N T

(Order of the Court was delivered by G.R.SWAMINATHAN, J.)

Heard the learned Senior counsel appearing for the appellant and the learned Special Government Pleader appearing for the Department and the learned counsel appearing for the private respondents.

2. The appellants herein challenged the order dated 09.02.2019 passed by the Joint Commissioner, HR&CE Department, Madurai appointing a fit person for the petition-mentioned Samadhi.

3. We do not want to go into the larger issues raised in this writ appeal. Suffice it to say that the order impugned in the writ petition



was passed without putting the appellants on notice. On this sole ground of violation of principles of natural justice, the order impugned in the writ petition is quashed.

4. The matter is remitted to the file of the second respondent. The second respondent will issue notice to the appellants as well as the fifth respondent herein and other interested persons, if any. All the contentions of the both the parties are left open. We however make it clear that the properties standing in the name of the trust shall not be alienated or encumbered. In the revenue records also, the name of the mutt alone shall be reflected and not the names of any individual. Any person who is in-charge of the management of the property can deal with the property in the manner known to law. This writ appeal stands allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.SWAMINATHAN, J.) & (K.RAJASEKAR, J.)
3rd July 2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN,J.

AND

K.RAJASEKAR, J.

PMU

To:

1. The Commissioner,
Hindu Religious and Charitable
Endowments(Admin) Department,
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Nungambakkam,
Chennai.
2. The Joint Commissioner,
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Endowments(Admin) Department,
Ellis Nagar, Madurai.
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