



W.P.(MD)No.3601 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.3601 of 2025

and

W.M.P.(MD)Nos.2548 and 2549 of 2025

S.Jagan Bharat

... Petitioner

-VS-

- 1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Thanjavur.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Thanjavur.
- 4.Inspector,
Hindu Religious and Charitable Endowment Department,
Pattukottai.
- 5.Thakkar / Executive Officer,
Arulmigu Balasubramaniya Swamy Thirukovil,
Manjavayal, Pattukottai Circle,
Thanjavur District.



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6. M.Ganesan

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to order of the second respondent in Se.Mu.Na.Ka.No.4171/2020/A3, dated 20.01.2025 of the second respondent and insofar as the same related to appointment of sixth respondent as Chairman of Board of Trustees of Arulmigu Balasubramaniya Swamy Temple, Thamarankottai South, Manjavayal, Pattukottai, Thanjavur District, is concerned and quash the same as illegal and consequently direct the second respondent to nominate the petitioner as Chairman of Board of Trustees as per Proviso 2 of Section 48 (ii) of H.R. and C.E. Act, 1959.

For Petitioner	:	Mr.A.Sivasubramanian
For R1 to R4	:	Mr.K.S.Selvaganesan Additional Government Pleader
For R5	:	Mr.V.Chandrasekar

ORDER

This writ petition has been filed seeking to quash the order of the second respondent in Se.Mu.Na.Ka.No.4171/2020/A3, dated 20.01.2025, insofar as the appointment of the sixth respondent as Chairman of Board of Trustees of Arulmigu Balasubramaniya Swamy Temple, Thamarankottai South, Manjavayal,



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Pattukottai, Thanjavur District, is concerned and consequently, direct the second respondent to nominate the petitioner as Chairman of Board of Trustees as per Proviso 2 of Section 48 (ii) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 [hereinafter referred to as "the H.R. & C.E. Act"]].

2. The learned counsel for the petitioner submits that the temple is administered by two families, namely, Andiyappa Vellalar Vagayara, which consists of 9 hereditary trustees, and Veerappa Vellalar Vagayara, which consists of 30 hereditary trustees, totalling 39 hereditary trustees. The second respondent had settled the scheme for the temple in O.A.No.10 of 2007 under Section 64(1) of the H.R. & C.E. Act. According to Clause 6 of the scheme, the hereditary trustee appointed from Andiyappa Vellalar Vagayara will serve as the Chairman of the Board of Trustees, while the hereditary trustee appointed from Veerappa Vellalar Vagayara will serve as a member of the Board of Trustees, as per the said Act. The Chairman of the Board of Trustees will be appointed on rotational basis between the two Vagayaras. The second respondent invited applications for the appointment of Hereditary Trustees as per the scheme and the petitioner submitted his application. Despite the petitioner being nominated by the majority



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of the Andiyappa Vellalar Vagayara, the second respondent passed the impugned order, appointing the sixth respondent as the Chairman of the Board of Trustees. Therefore, the order impugned in this writ petition is liable to be set aside.

3. The learned Additional Government Pleader appearing for respondents 1 to 4 submits that the petitioner has an appellate remedy against the impugned order before the Commissioner under Section 26(5) of the H.R. & C.E. Act. However, without invoking the appeal remedy, the petitioner has straightaway approached this Court.

4. Recording the submission made by the learned Additional Government Pleader that the petitioner is having an appeal remedy before the Commissioner under Section 26(5) of the H.R. & C.E. Act, this writ petition is disposed of with liberty to the petitioner to approach the appellate authority and raise all the grounds raised in this writ petition in the appeal. In the event, if any appeal is filed within a period of one month from the date of receipt of a copy of this order, the appellate authority shall consider the same and pass a speaking order on merits and in accordance with law, within a period of one month thereafter. There



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shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

NCC : Yes / No

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Index : Yes / No

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Note:- Registry is directed to return the original impugned order to the learned counsel for the petitioner after substituting attesting photocopy of the same.

To:-

- 1.The Commissioner,
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- 2.The Joint Commissioner,
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VIVEK KUMAR SINGH, J.

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