



W.P.(MD)No.5463 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.5463 of 2025

and WMP (MD) Nos.3992 & 3994 of 2025

Arulmigu Sambugamurthy Ayyanar Thirukovil
Rep. by its Hereditary Trustee
S.Shanmugavel

: Petitioner

Vs.

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam,
Chennai - 600 034.

2. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Tiruchirappalli,
Tiruchirappalli District.

3. C. Selvaraj,
Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Tiruchirappalli,
Tiruchirappalli District.

4. Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Tiruchirappalli, Tiruchirappalli District.



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5. Inspector of Temples,
Hindu Religious and Charitable Endowments Department,
Thiruverumbur Circle,
Thiruverumbur, Tiruchirappalli District.

6. Banumathy,
Inspector of Temples,
Hindu Religious and Charitable Endowments Department,
Thiruverumbur Circle,
Thiruverumbur,
Tiruchirappalli District.

7. Natarajan : Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 2nd respondent in Se.Mu.NI.Mu.No. 9138/2021/A4, dated 22.03.2022 and quash the same.

For Petitioners : Mr.T.Mohan, Sr. Counsel
for Mr.N.C.Ashok Kumar

For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader
for R1, R2, R4 & R5
Mr.B.Saravanan
for M/s.B.Saravanan Associates for R7

ORDER

Challenging the order dated 22.03.2022, passed by the second respondent, recognizing the private respondent as a hereditary trustee of Arulmigu Sambugamurthy Ayyanar Thirukovil, the present writ petition has been filed.

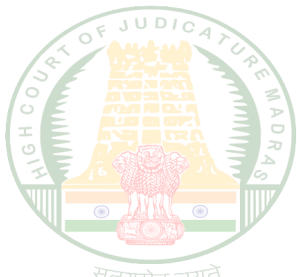


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2.The petitioner claims that Arulmigu Sambugamurthy Ayyanar Thirukovil was constructed in 1923 by his grandfather, Mu. Nallaveerappa Pillai and was managed as a hereditary trust by his father, Mu. Na. Sabapathi Pillai, who was recognized as a hereditary trustee by the Deputy Commissioner, HR & CE, in 1953. After the death of his father in 1960, the petitioner and his brothers became the hereditary trustees in accordance with Section 54(1) of the Tamil Nadu HR & CE Act, 1959. In 2025, the petitioner discovered that the second respondent fraudulently claimed to be the hereditary trustee, despite not being a legal heir. However, without considering this fact, the third respondent passed an order recognizing the seventh respondent as a hereditary trustee, without serving notice on the legal heirs or the public. In this regard, the petitioner submitted a representation dated 24.02.2025. However, since no has been taken, the petitioner has filed the present writ petition.

3. The learned Additional Government Pleader appearing on behalf of respondents 1 and 2 submitted that the petitioner has the statutory appellate remedy provided under Section 69 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, which provides



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an appropriate and efficacious remedy.

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4. After considering the submissions made by both parties and also the fact that the petitioner has submitted a representation on 24.02.2025, this Court deem it appropriate to direct the third respondent to treat the representation of the petitioner as an appeal and shall consider the same on its own merits and in accordance with law. The third respondent is further directed to pass a reasoned speaking order within a period of three months from the date of receipt of a copy of this order.

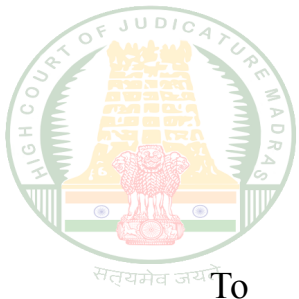
5. This writ petition stands disposed of with the above directions. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

27.02.2025

Index : Yes / No

Internet : Yes / No

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VIVEK KUMAR SINGH, J.

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