



W.P.(MD).No.6108 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

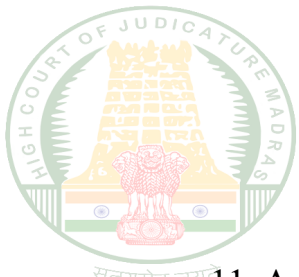
W.P.(MD)No.6108 of 2025
and
W.M.P.(MD)No.4490 of 2025

M.Sinthappa

... Petitioner

-vs-

1. The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Thoothukudi.
2. The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Thoothukudi.
3. Thakkar,
Arulmighu Pooludiyar Sastha Thirukovil,
Keelakallamparai,
Thenthiruperaai,
Thoothukudi District.
4. V. Gandhi
5. M. Velsamy
6. A. Selvanathan
7. G. Perumal
8. Jegadeesan
9. M. Esakki Bala Subramanian
10. N. Pattu Raja



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11. A. Balamurugan

12. B. Sudhakar

13. D. Manimuthumalai

14. C. Murugaperumal

15. S. Perumal

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 1st respondent in OA No.42/2021 dated 27.06.2024 is illegal and quash the same.

For Petitioner : Mr.S.M.Mohan Gandhi

For Respondents : Mr.K.S.Selvaganesan (R1 & R2)
Addl. Govt. Pleader

ORDER

This writ petition has been filed challenging the impugned order passed by the 1st respondent in OA No.42/2021 dated 27.06.2024.

2. By consent of both parties, this writ petition is disposed at the stage of admission itself.

3. Since no adverse orders are going to be passed against the third and private respondents, notice to them is hereby dispensed with.



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4. The learned counsel for the petitioner submits that the petitioner is a resident of Maveedu Pannai, Srivaikundam, Thoothukudi District and the temple namely, Arulmighu Pooludayar Sastha Thirukovil is situated in the said village, which is being worshipped by the people belonging to various castes, living in and around the said village. Due to the caste related difference, the petitioner and his people formed a committee namely, Arulmighu Kadambakulam Pooludayar Sastha Samedha Poornakala and Pushphakala Maintaining Committee, which was also registered as Reg.No. 25/2007 and they conducted the festival of the said temple and participated in the management of the said temple also and subsequently, it was cancelled. However, in the year 2016, the petitioner and their people formed another trust namely, Sri Pooludayar Sastha General Service Trust, which has been registered as Reg.No.5/2016.

5. The learned counsel appearing for the petitioner further submits that due to the dispute over the management of the said temple, the respondents 4 to 8 filed a petition before the first respondent in OA No.42 of 2021 to allow their draft scheme for management of the said temple, wherein the petitioner herein has also filed their objections and the petitioner also filed a petition in



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OA No.19 of 2023 to permit their draft scheme of management of the said temple. However, the first respondent, without considering the said petition filed by the petitioner herein, passed the impugned order in OA No.42 of 2021 holding that the appointment of the Executive Officer is mandatory for the peaceful management of the said temple. Challenging the said order, this writ petition has been filed.

6. The learned Additional Government Pleader appearing for the first and second respondents submits that the petitioner, aggrieved by the impugned order, has a statutory appellate remedy available under Section 69 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. The learned Additional Government Pleader further submits that the only remedy available to the petitioner is to approach the Commissioner of Hindu Religious and Charitable Endowment Department, if aggrieved by the impugned order. Without approaching the said authority, the petitioner has straightaway approached this Court under Article 226 of the Constitution of India.

7. This Court after considering the rival submissions, is of the considered view that the petitioner will have to necessarily prefer an appeal as



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prescribed under Section 69 of the Hindu Religious and Charitable Endowments Act, 1959, if aggrieved by the impugned order.

8. For the foregoing reasons, the petitioner is directed to prefer an appeal as against the impugned order before the Commissioner as per Section 69 of the Hindu Religious and Charitable Endowments Act, 1959, within a period of two months from the date of receipt of a copy of this order. On receipt of the same, the Commissioner, Hindu Religious and Charitable Endowment Department, Chennai, shall dispose of the appeal within a period of four weeks thereafter. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the Commissioner, Hindu Religious and Charitable Endowment Department, Chennai, to consider the same on its own merits.

9. With the aforesaid directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

07.03.2025

NCC : Yes/No
Index : Yes / No
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VIVEK KUMAR SINGH, J.

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TO:-

1. The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Thoothukudi.
2. The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Thoothukudi.

COPY TO:-

1. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai.

Order made in
W.P.(MD)No.6108 of 2025

Dated:
07.03.2025