



W.P.(MD).No.6052 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 07.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.6052 of 2025

and

W.M.P.(MD)No.4438 & 4441 of 2025

P.Mathivanan

... Petitioner

-vs-

1. The Commissioner,
HR & CE Department, Chennai.
2. The Joint Commissioner,
HR & CE Department, Madurai.
3. The Assistant Commissioner,
HR & CE Department,
Ramanathapuram.
4. The Regional Joint Commissioner,
Sivagangai.
5. The Inspector,
HR & CE Department,
Thiruvadanai,
Ramanathapuram District.
6. C. Sivagurunathan
7. K. Marimuthu
8. V. Logambal

... Respondents



W.P.(MD).No.6052 of 2025

WEB COPY

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the 3rd respondent in his Se.Mu.Nata.Na.Ka. No. 1689-99/2024/A7 dated 07.02.2025 and quash the same and consequently direct the respondents 1 to 5 to issue notice seeking application for appointment of Non-Hereditary Trustee of Shri Thiruna Jotheeswarar Temple situate at Pullur Village, Thiruvadanai Taluk, Ramanathapuram District by considering the petitioner's representation dated 22.02.2025 within the time stipulated by this Court.

For Petitioner : Mr.A.Aruljenifer

For Respondents : Mr.K.S.Selvaganesan (R1 to R5)

Addl. Govt. Pleader

Mr.S.Sukumar (R8)

ORDER

This writ petition has been filed challenging the impugned order passed by the 3rd respondent in Se.Mu.Nata.Na.Ka.No.1689-99/2024/A7 dated 07.02.2025, with a consequential direction to the respondents 1 to 5 to issue notice seeking applications for appointment of Non-Hereditary Trustees of Shri Thiruna Jotheeswarar Temple situated at Pullur Village, Thiruvadanai Taluk, Ramanathapuram District, by considering the petitioner's representation dated 22.02.2025 within the time stipulated by this Court.



W.P.(MD).No.6052 of 2025

WEB COPY

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 sixth and seventh respondents, notice to them is hereby dispensed with.

4. The learned counsel appearing for the petitioner submits that the petitioner is the one among the devotees of Shri Thiruna Jotheeswarar Temple situated at Pullur Village, Thiruvadanai Taluk, Ramanathapuram District, which is under administration of the Hindu Religious and Charitable Endowment Department. Sofar, no trustees have been appointed. Prior to the administration of the HR&CE Department, it was administered by the village elders. The 6th respondent is not at all the resident of the Pullur Village and further, the 8th respondent has obtained fraudulent patta for the temple property in his favour. He further submits that without even issuing any notification for appointment of non-hereditary trustees, the third respondent passed the impugned order appointing the respondents 6 to 8 as non-hereditary trustees, which is an abuse of process of law and hence, the impugned order, is liable to be quashed.



W.P.(MD).No.6052 of 2025

WEB COPY

5. The learned Additional Government Pleader appearing for the official respondents submits that the petitioner, aggrieved by the impugned order, has a statutory appellate remedy available under Section 21 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.

6. This Court, after considering the rival submissions, is of the considered view that the petitioner will have to necessarily prefer an appeal as prescribed under Section 21 of the Hindu Religious and Charitable Endowments Act, 1959, if aggrieved by the impugned order.

7. For the foregoing reasons, the petitioner is directed to prefer an appeal as against the impugned order before the first respondent herein, as per Section 21 of the Hindu Religious and Charitable Endowments Act, 1959,



W.P.(MD).No.6052 of 2025

WEB COPY

within a period of two months from the date of receipt of a copy of this order.

On receipt of the same, the first respondent 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 first respondent to consider the same on its own merits.

8. With the aforesaid directions, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

07.03.2025

NCC : Yes/No
Index : Yes / No
sm



WEB COPY



W.P.(MD).No.6052 of 2025

VIVEK KUMAR SINGH, J.

sm

TO:-

1. The Commissioner,
HR & CE Department, Chennai.
2. The Joint Commissioner,
HR & CE Department, Madurai.
3. The Assistant Commissioner,
HR & CE Department, Ramanathapuram.
4. The Regional Joint Commissioner, Sivagangai.
5. The Inspector,
HR & CE Department,
Thiruvadanai, Ramanathapuram District.

COPY TO:-

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

Order made in
W.P.(MD)No.6052 of 2025

Dated:
07.03.2025