



W.P.(MD).No.6318 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2025

CORAM:

THE HONOURABLE **MR.JUSTICE VIVEK KUMAR SINGH**

W.P.(MD)No.6318 of 2025

and

W.M.P.(MD)No.4661 & 4662 of 2025

1.Poyyamani Velar
2.Suresh

... Petitioners

-VS-

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

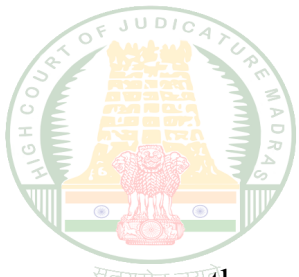
2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Thanjavur.

3. The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Pudukottai.

4. Singaram

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration declaring the order dated 28.12.1972 in OA.No. 58/1972 on the file of the then Deputy Commissioner, HR and CE, Coimbatore, now the 2nd respondent, as illegal, in executable and redundant and against the provisions of HR and CE Act 1959, insofar as it observes that



W.P.(MD).No.6318 of 2025

WEB COPY

three non-hereditary trustees may also be appointed to be in management along with hereditary trustees, in Arulmighu Poisollatha Meyyar Thirukoil, Moolangudi Village, Thirumayam Taluk, Pudukottai District and consequently forbear the respondents, their men agents or servants or anyone either claiming under them or otherwise from disturbing the management of the said temple by the hereditary trustees.

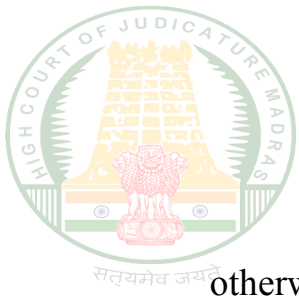
For Petitioners : Mr.V.R.Shanmuganathan

For Respondents : Mr.K.S.Selvaganesan (R1 to R3)

Additional Government Pleader

ORDER

This writ petition has been filed seeking a declaration declaring the order dated 28.12.1972 in OA.No.58/1972 on the file of the then Deputy Commissioner, HR and CE, Coimbatore, who is the 2nd respondent herein, as illegal, in executable, redundant and against the provisions of HR and CE Act 1959, insofar as the observation that three non-hereditary trustees may also be appointed to be in management along with hereditary trustees, in Arulmighu Poisollatha Meyyar Thirukoil, Moolangudi Village, Thirumayam Taluk, Pudukottai District, with a consequential direction to forbear the respondents, their men agents or servants or anyone either claiming under them or



W.P.(MD).No.6318 of 2025

WEB COPY

otherwise from disturbing the management of the said temple by the hereditary trustees.

2. By consent of both parties, this writ petition is disposed at the stage of admission itself. Since no adverse order is going to be passed against the fourth respondent, notice to him is dispensed with.

3. The case of the petitioners is that the petitioners belong to velar community and the affairs of the temple were managed by their forefathers who were from four families of the petitioners and they had filed an application under Section 63(b) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, before the Deputy Commissioner, HR&CE Department, Coimbatore (now, the 2nd respondent herein) in OA No. 58 of 1972 seeking to declare that the petitioners therein are the hereditary trustees of Arulmighu Poisollatha Meyyar Thirukoil, Moolangudi Village, Thirumayam Taluk, Pudukottai District. Since the people from Nagarathar community did more work for the temple, on behalf of them, one Palaniappa Chettiar had been added as the co-applicant in the aforesaid application, despite the fact that his ancestors were never in administration.

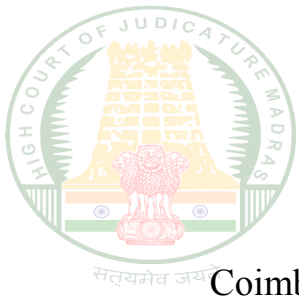


W.P.(MD).No.6318 of 2025

WEB COPY

4. However, the Deputy Commissioner, HR&CE Department, Coimbatore, declared that the forefathers of the petitioners herein from the four families are the hereditary trustees and the claim of the said Palaniappa Chettiar is negatived with a direction that atleast three non-hereditary trustees may be appointed to be in management along with the petitioners' forefathers. Challenging the observation that three non-hereditary trustees may be appointed to be in management along with the petitioners' forefathers, this writ petition has been filed seeking a declaration that the said observation illegal, in-executable, redundant and against the provisions of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

5. The learned counsel appearing for the petitioners submits that now, in place of the petitioners' forefathers, their successors have been the hereditary trustees of the aforesaid temple, which was also recorded under Section 54(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. While being so, the fourth respondent herein had filed a writ petition before this Court in WP(MD)No.28271 of 2024 seeking mandamus to appoint trustees from Maravar community, Yadavar Community and Servar Community, in compliance of the order dated 28.12.1972 in OA.No.58/1972 on the file of the then Deputy Commissioner, HR and CE,



W.P.(MD).No.6318 of 2025

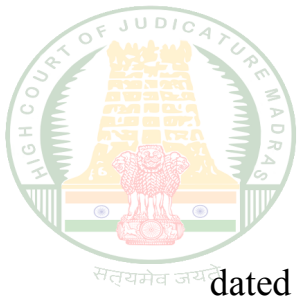
WEB COPY

Coimbatore, wherein the petitioners herein were not the party respondents.

This Court, by order dated 27.11.2024 disposed the said writ petition directing the respondents to dispose of the representation of the fourth respondent herein. Pursuant to the order of this Court, a communication dated 12.12.2024 has been issued by the second respondent to the third respondent. In the meanwhile, the Nagarathar community people claimed that they should be appointed as three non hereditary trustees on rotational basis.

6. The learned counsel appearing for the petitioners further submits that there can never be both hereditary and non-hereditary trustees combined for management of a temple, unless a scheme for administration is framed and for more than 50 years, the temple is being administered only by the hereditary trustees and hence, the petitioners came before this Court for the aforesaid relief.

7. The learned Additional Government Pleader appearing for the respondents 1 to 3 submits that the order which is sought to be declared as illegal, in-executable, redundant and against the provisions of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 in this writ petition is



W.P.(MD).No.6318 of 2025

WEB COPY

dated 28.12.1972 and now, after a period of 53 years, the order cannot be modified.

8. Heard the learned counsel on both sides and perused the materials placed before this Court.

9. A perusal of the records clearly shows that the order which is sought to be declared by the petitioners as illegal, in-executable, redundant and against the provisions of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 in this writ petition had been passed way back on 28.12.1972. An order, having been passed 53 years ago, cannot be questioned now. After a lapse of several years, it would be impossible to change over the order passed by an authority.

10. In view of the above observations, this writ petition lacks merits and the same is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

NCC : Yes/No
Index : Yes / No
sm

07.03.2025
(2/2)



W.P.(MD).No.6318 of 2025

WEB COPY

TO:-

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,
Pudukottai.



WEB COPY



W.P.(MD).No.6318 of 2025

VIVEK KUMAR SINGH, J.

sm

Order made in
W.P.(MD)No.6318 of 2025
(2/2)

Dated:
07.03.2025