



*W.P.(MD)No.6547 of 2025*

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 12.03.2025**

**CORAM:**

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

**W.P.(MD)No.6547 of 2025**

**and WMP (MD) No.4808 of 2025**

G.Dhanalakshmi

: Petitioner

Vs.

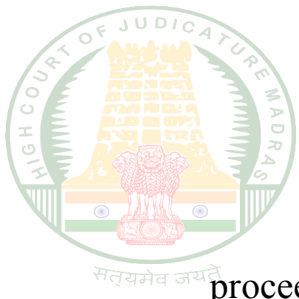
1. The Joint Commissioner,  
Hindu Religious and Charitable  
Endowments Department,  
Madurai.

2. The Assistant Commissioner,  
Hindu Religious and Charitable  
Endowments Department,  
Madurai.

3. The Executive Officer,  
Hindu Religious and Charitable  
Endowments Department,  
Arulmigu Kalyanasundarashwar Temple,  
(Present Tharkkar of Arulmigu Thirowpathy Amman  
Temple).

: Respondents

**PRAYER:** Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus call for the records relating to the impugned Order passed by the 2nd respondents in his



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proceeding no. Sae.Mu.Na.Ka.No. 150/2024/Aa1 dated 20.01.2025 and the impugned order passed by the 2nd respondent in No. Sae.Mu.Na.Ka.No. 150/2024-1/Aa1 dated 21.01.2025 and quash the same as devoid of merits and consequently directing the respondent to appoint the petitioner as hereditary trustee Arulmigu Thirowpathy Amman Temple situated at Chokkalingapuram, Melur Taluk, Madurai District.

For Petitioner : Mr. S.Atham Ali

For Respondents : Mr.K.S.Selvaganesan

Addl.Government Pleader

### **ORDER**

This Writ Petition has been filed challenging the order dated 20.01.2025, by which the petitioner was removed from the position of Hereditary Trustee of Arulmigu Thirowpathy Amman Temple situated at Chokkalingapuram, Melur Taluk, Madurai District, along with the consequential order of appointment of Thakkar dated 21.01.2025 and for a consequential direction to reinstate her as the Hereditary Trustee.

2.Heard the learned counsel for the parties. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



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3.The petitioner claims that she was appointed as a Hereditary Trustee in line of succession by virtue of Section 54 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. The petitioner further contends that since the Temple is a non-listed Temple under Section 49(i) of the TN HR & CE Act, the second respondent lacks jurisdiction to initiate proceedings against Trustees appointed by succession under Section 26(h)(4) of the TN HR & CE Act. Therefore, the petitioner contends that her removal from Hereditary Trustee and the consequential appointment of Thakkar for the said Temple, is arbitrary and violates the principles of natural justice.

4. The learned Additional Government Pleader, appearing on behalf of the respondents, submitted that the petitioner has an adequate and effective alternate remedy under Section 53(5) of the TN HR & CE Act, before the first respondent to resolve the disputes related to the administration of religious institutions.

5. After considering the submissions made by both parties, it is observed that the petitioner has an effective alternative remedy



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available under Section 53(5) of the TN HR & CE Act, which provides for an appeal against the impugned proceedings dated 07.01.2025 before the first respondent. It is a settled principle of law that when an alternate remedy is provided by statute, a party must exhaust such remedy before seeking judicial intervention through a writ petition.

6. Accordingly, the Writ Petition stands disposed of, granting liberty to the petitioner to approach the first respondent within a period of two weeks from the date of receipt of a copy of this order. In case, if any such appeal is filed by the petitioner within a period of two weeks from today, the appellate authority shall entertain the said appeal on merits without reference to the period of limitation. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

**12.03.2025**

Index : Yes / No

Internet : Yes / No

PKN



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**VIVEK KUMAR SINGH, J.**

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