



W.P.(MD).No.8653 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.8653 of 2025

and

W.M.P.(MD)No.6463 & 6699 of 2025

A.Manickam

... Petitioner

-VS-

1. The Joint Commissioner,
Hindu Religious Charitable,
Thanjavur District.

2. D.Bharathi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the 1st respondent proceeding Se.Mu.Pa.Mu.No.11743/2024/E2/Date.23.01.2025 and to quash the same and further direct the 1st respondent to conduct proper enquiry after giving opportunity to Temple Protection Committee namely “VILIPPU KUZHU” members of the Arulmigu Narasinga Perumal Temple at Vallam Thanjavur and the same was constituted by the 1st respondent dated on 04.04.1996 by his proceedings in Na.Ka.No.2641/96 T.1 for managing the temple affairs.



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For Petitioner : Mr.S.C.Herold Singh
for Mr.A.Senthil Kumar
For Respondents : Mr.K.S.Selvaganesan (R1)
Addl. Govt. Pleader

ORDER

This writ petition has been filed challenging the impugned order passed by the 1st respondent in Se.Mu.Pa.Mu.No.11743/2024/E2 dated 23.01.2025 with a further direction to the 1st respondent to conduct proper enquiry after giving opportunity to Temple Protection Committee namely “VILIPPU KUZHU” members of the Arulmigu Narasinga Perumal Temple at Vallam, Thanjavur, which was constituted by the 1st respondent by his proceedings in Na.Ka.No.2641/96 T.1 dated 04.04.1996 for managing the temple affairs.

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 second respondent, notice to him is hereby dispensed with.



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4. The learned counsel appearing for the petitioner submits that the petitioner is one of the members of the temple protection committee to administer the aforesaid temple. One K.Kovindasamy Naidu filed a petition in the year 1935, in OP No.211 of 1935 before the District and Sessions Court, Thanjavur, to appoint him as hereditary trustee of the said temple. Since there was no rival claim at the relevant point of time, he was appointed as a hereditary trustee. After his demise, his son, namely, Devarajulu was appointed in his place. Since he involved in misappropriation by abusing his position, he was suspended and a Thakkar was appointed to the said temple. The said Devarajulu preferred an appeal against his suspension, which was also allowed on 29.04.1997. In the meanwhile, at the request of the devotees of the said temple, a temple protection committee was formed by the first respondent in the name of 'Vilippu Kuzhu' on 04.04.1996. However, the said Devarajulu voluntarily relinquished his position as hereditary trustee to the first respondent on 27.01.1999. While this being so, the second respondent, who is one of the legal heirs of the said Devarajulu, applied before the first respondent to appoint him as hereditary trustee of the said temple. The first respondent, without even issuing notice to the temple protection committee, appointed him as hereditary trustee vide the impugned order. Challenging the same, this writ petition has been filed.



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5. The learned Additional Government Pleader appearing for the first respondent submits that the petitioner, aggrieved by the impugned order, has a statutory appellate remedy available under Section 54(4) 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 54(4) 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 Commissioner of the Hindu Religious and Charitable Endowment Department, as per Section 54(4) of the



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Hindu Religious and Charitable Endowments Act, 1959, within a period of one month 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 one month 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 petitions are closed.

01.04.2025

NCC : Yes/No
Index : Yes / No
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TO:-

1. The Joint Commissioner,
Hindu Religious Charitable,
Thanjavur District.



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VIVEK KUMAR SINGH, J.

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Order made in
W.P.(MD)No.8653 of 2025

Dated:
01.04.2025