



W.P.(MD) No.10157 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2025

CORAM:

THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

W.P.(MD) No.10157 of 2025

and

W.M.P.(MD) No.7568 & 7569 of 2025

M.Subbarayalu

... Petitioner

Vs

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Salai,
Chennai - 600034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
52/A1, Tiruvananthapuram Road,
Palayangottai, Tirunelveli,
Tirunelveli District.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
B24, 26th Cross Street,
Maharaja Nagar, Palayangottai,
Tirunelveli, Tirunelveli District.
4. The Chairman,
District Trust Board Committee,
Tirunelveli,



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Office at the Assistant Commissioner Office,
Hindu Religious and Charitable Endowments Department,
B24, 26th Cross Street,
Maharaja Nagar, Palayangottai,
Tirunelveli, Tirunelveli District.

5. The Fit Person,
Arulmigu Navaneethakrishna Perumal Temple,
Kovilpathu, Kalakkadu,
Nanguneri Taluk,
Tirunelveli District,
Office at the Executive Officer,
Arulmigu Subramaniasamy Temple,
Valliyur, Nanguneri Taluk,
Tirunelveli District.

6. K.Ganapathy Raman

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records of the Impugned order passed by the 3rd respondent in his proceedings Na.Ka.No. 4784/2024/C1 dated 20.01.2025 and quash the same as illegal.

For Petitioner : Dr.C.Guhaseelarupan

For Respondents : Mr.S.S.Madhavan (R1 to R4)

Additional Government Pleader



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ORDER

This writ petition has been filed challenging the impugned order passed by the third respondent in Na.Ka.No. 4784/2024/C1 dated 20.01.2025, appointing the sixth respondent as a non hereditary trustee under Section 49(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter referred to as “Act” for brevity).

2. The temple namely, Arulmigu Navaneethakrishna Perumal Temple, Kovilpathu, Kalakkadu, Nanguneri Taluk, Tirunelveli District, is administered by the petitioner community people. Now, the fifth respondent is managing the affairs of the subject temple. In a meeting conducted by the petitioner community people, a resolution has been passed stating that five members from the community shall manage the temple as trustees and the period of trustee shall be two years. They have also filed a petition in OA No.10 of 2018 before the second respondent under Section 64(1) of the Act to frame a scheme for the subject temple. On considering the same, the second respondent passed an order on 20.01.2021 by framing a draft scheme.



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3. It is the case of the petitioner that notice was also issued to concerned persons to raise objections, if any. However, no objection was received and therefore, as per Rule 2(9) of the Framing of Scheme Rules, the second respondent ought to have passed the final order by confirming the said scheme. Instead, he issued a notice on 15.07.2022 to the petitioner to appear before him for hearing on 25.08.2021. The petitioner also appeared before him and filed a memo stating that the period of objections on the draft scheme was already over and to confirm the said draft scheme. However, till date, no final order has been passed by the second respondent.

4. It is the further case of the petitioner that one Rathinakumar has filed an impleading application in OA No.10 of 2018, which was also allowed on 08.11.2022 by the second respondent. As against the same, the petitioner filed an appeal in AP No.36 of 2023 before the first respondent, which is pending adjudication. While this being so, the third respondent appointed the sixth respondent as a non hereditary trustee of the subject temple vide impugned order dated 20.01.2025, based on the resolution passed by the fifth respondent dated



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07.01.2025, which is against the order passed by the second respondent dated 20.01.2021 by framing a draft scheme to administer the subject temple by the trustees appointed by the petitioner community.

5. The learned counsel appearing for the petitioner states that when there is no objection with regard to the management of the subject temple by the fifth respondent, till the confirmation of the draft scheme by the second respondent, and when there is insistence for appointment of non hereditary trustee, the appointment of the sixth respondent as non hereditary trustee of the subject temple is totally bad in eye of law.

6. It is now represented before this Court that the sixth respondent has not assumed charge of the aforesaid temple till date and only the fifth respondent is managing the affairs of the subject temple.

7. I have heard the arguments of the learned counsel on either side and perused the materials placed before this Court.



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8. Considering the facts and circumstances of this case and also considering the fact that no prejudice would be caused to the sixth respondent, there shall be a direction to the first respondent to dispose of the appeal filed by the petitioner in AP No.36 of 2023, against the order dated 08.11.2022 impleading a third party in OA No.10 of 2018, in accordance with the relevant provisions of the Act and the Rules made thereunder. Till such disposal of the appeal by the first respondent, the fifth respondent shall continue to manage the affairs of the subject temple.

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

Index : Yes / No
NCC : Yes / No
Sm

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C.SARAVANAN, J.

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