



W.P.(MD).No.11616 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

RESERVED ON : 30.04.2025

PRONOUNCED ON : 03.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.11616 of 2025

V.Ganesan

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments
Department,
119, Uthamar Gandhi Road,
Thousand Lights West,
Nungambakkam,
Chennai,
Tamil Nadu – 600 034.

2.The Assistant Commissioner,
Office of the Assistant Commissioner,
HR & certificate Department,
Kumbakonam – 612 001.

3.P.Prasanth

4.Pranesh Rao

5.B.Ramu

... Respondents



W.P.(MD).No.11616 of 2025

WEB COPY

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to appoint an Executive Officer in the Sri Lakshmi Narasimmaswamy temple, Kumbakonam to manage its affairs till such time the Court deems fit.

For Petitioner : Mr.T.M.Mano

For Respondent : Mr.K.S.Selva Ganesan,

Nos.1 & 2 Additional Government Pleader

For Respondent : Mr.V.Adithyan Viswanathan

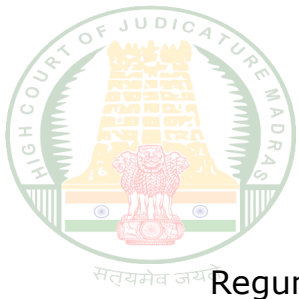
Nos.3 & 4 Additional Government Pleader

ORDER

The petitioner has filed this petition seeking a direction to the first respondent herein to appoint an Executive Officer to manage the affairs of the Sri Lakshmi Narasimmaswamy temple, Kumbakonam.

2. The factual matrix of the case is as follows:

2.1. The petitioner is a permanent resident of Kumbakonam and stalwart devotee of the Sri Lakshmi Narasimmaswamy temple which was managed by a private trust founded by one K.R.Ramachandra Rao and



W.P.(MD).No.11616 of 2025

WEB COPY

Regunatha Rao in the name and style as "Sri Lakshmi Narasimha Swamy Private Trust" and after their demise, it was run as per their Will and was managed by one D.Ranga Rao from 2004. A civil suit was filed by one Prakash to manage the affairs of the temple which was dismissed. But however, after the demise of Ranga Rao, the said Prakash, who is none other than his son-in-law took the management of the temple paving way to mismanagement as well as mal-administration. In the meanwhile, the respondents 3 & 4 herein claims to be the hereditary trustee of the temple vide nomination deed dated 05.06.2008 whereas the fifth respondent placed reliance of his claim through a nomination deed dated 14.06.2007.

2.2. The respondents 3 & 4 have preferred a suit before the Principal District Court, Thanjavur in O.S.No.338 of 2024 seeking for a declaration that the deeds earlier executed by the trustee of the temple are null and void and to declare them as hereditary trustee of the subject temple where the fifth respondent herein is also a party. Pending litigation, the respondents took over the charge which depicts mismanagement of the temple and started swindling the subject properties.



W.P.(MD).No.11616 of 2025

WEB COPY

3. Aggrieved over the same, the petitioner has come forward with the present petition with the prayer as stated above.

4. The learned counsel for the petitioner submitted that the private respondents herein are trying to swindle the properties of the trust in the name of nomination deeds which were not true. He contended that late D.Ranga Rao have deposed that the legal heirs can only reside in the house and shall not be allowed to enter the trust which disowns the respondents 3 & 4 nomination which clearly states that they have no semblance of right as on today. He argued that the trust cannot benefit the exemption in O.A.74 of 1990 any longer in view of the factual positions as stated in O.S.No.338 of 2024 that the trust was under the control of a mutt and the pontiff of the said mutt was actively in charge of running the affairs of the trust.

5. He also drew the attention of this Court to the decision of the Hon'ble Division Bench of this Court in ***H.H. Sankaracharya Swamigal V. The Government of Tamil Nadu in W.A. No.216 of 2021*** wherein it has held that specific endowments by itself are a religious institution. The relevant portion of the order is extracted hereunder:

8.3.'Specific endowment' by itself would be



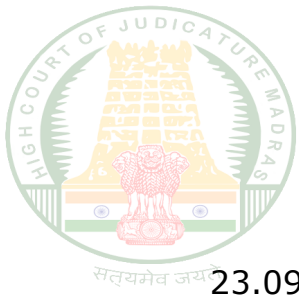
WEB COPY



W.P.(MD).No.11616 of 2025

a religious institution. The title deeds relating to the lands in question, whether they are mere endowments or specific endowments etc., are not placed before us. Secondly, if they are not specific endowments, then the question would be, whether for the religious endowment alone, a fit person can be appointed, merely by placing reliance under Section 6 (20) of the Tamil Nadu Act. Similarly, the further question that when the hereditary trustee is there, whether a fit person can be appointed and if so under what circumstances and whether the circumstances are made out or not will further arise. Therefore, when the learned Single Judge already set aside the order of appointment of a fit person and has remanded back the matter to the third respondent, all the questions are left open to be decided by the third respondent.

6. He further submitted that the respondents 3 & 4 have questioned the certificate issued by the HR & CE Department and the genuineness and the validity of the same in O.S.No.406 of 205 dated 29.04.2008 in view of the fact the original trust deed and the Will were not presented before the authorities and now, they claim the very same exception issued by the authority when it was not been brought to the notice that they claim powers through a nomination letter dated



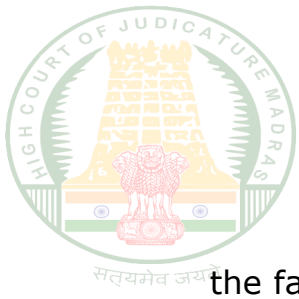
W.P.(MD).No.11616 of 2025

WEB COPY

23.09.2004 issued to a pontiff which must be relooked in the light of the judgment passed in W.A.No.216 of 2021.

7. He submitted that as a devotee and in the interests of safeguarding the deity of the temple and its properties, as there is an apprehension that the jewels of the deity is being sold by the respondents 3 & 4 and his family and also can discover and in order to prevent the mismanagement and mal-administration of the previous administrators of the trust, the petitioner prays for appointment of a Fit Person to the trust, who may be a retired Judge of this Court or a retired IAS officer.

8. Per contra, the learned counsel for the respondents 3 & 4 submitted that the subject property namely, Sri Lakshmi Narashima Swamy Pooja Dharmam Private Trust @ Sri Lakshmi Narashima Swamy Private Trust is a prime trust established by the respondents' 3 & 4 forefathers out of 16 trusts, for worshipping the deity in the house itself and it is not a temple at all. He contended that as per the trust settlement deed dated 26.11.1954, the property of the trust cannot be alienated at all and the trustees should be among the family members, which is crystal clear through the deed dated 23.09.2004 of Pontiff of Utharadi, wherein it was stated that D.Renga Rao should nominate only



W.P.(MD).No.11616 of 2025

WEB COPY

the family members as the subsequent trustees. In the suit filed by one Prakash in O.S.No.406 of 2005, the trial Court while dismissing the suit has stated that the fifth respondent herein is not a family member which was endorsed by him and D.Renga Rao cannot alienate the trust properties. While that being so, under the influence of the fifth respondent herein some properties were alienated by D.Ranga Rao. In the meantime, there were several litigations filed in this regard and this Court in W.P.(MD) No.9253 of 2017 had directed the District Collector to conclude the enquiry, who in turn on the direction given by this Court has conducted the enquiry and held that the respondents 3 & 4, who are the family members alone can be the trustees. As against the same, a suit in O.S.No.331 of 2019 was filed and in the meantime, the fifth respondent was nominated as the trustee by fraudulent deed dated 07.01.2021 but it is to be noted that the same is only a power of attorney deed. He contended that the petitioner herein has no locustandi to file the present petition and also submitted that with an ill intention had approached this Court to deny their hereditary rights as trustees of the subject trust and thus, prayed this Court to dismiss the petition.



W.P.(MD).No.11616 of 2025

WEB COPY

9. Considering the facts of the case and taking into account the submissions made by the learned counsels on either side, this Court is of the view that there are disputes in regard to trusteeship as revealed from the facts put forth on either side which has to be adjudicated before the appropriate forum. To secure the interest of justice, this Court opines that an interim administrator can be appointed to take helm of the trust for proper administration of temple till such time, a trustee is identified in a manner known to law. Till such time, a trustee is appointed, the administrator shall act as the sole authority for the trust and temple and is empowered to do all acts as permitted by the letter of the law for the best interests of the temple. In view of the same, this Court deems it fit to appoint **Mr. Justice P.Kalaiyaran (Retired) Judge of the Madrs High Court residing at No.64, 3rd Cross Street, CBI Colony, Kandanchavadi, Chennai-600 096**, as "Administrator" of the trust and the temple till such time, a proper trustee is appointed in a manner known to law in consultation with the administrator for the best interests of the temple and trust.



W.P.(MD).No.11616 of 2025

WEB COPY

10. The Writ Petition stands allowed accordingly. There shall be no orders as to costs.

03.06.2025

NCC : Yes/No
Index : Yes / No
Order : Speaking/ Non Speaking

DP

Note: Issue order copy today.

To

1. The Commissioner,
Hindu Religious and Charitable Endowments
Department,
119, Uthamar Gandhi Road,
Thousand Lights West,
Nungambakkam,
Chennai,
Tamil Nadu – 600 034.
2. The Assistant Commissioner,
Office of the Assistant Commissioner,
HR & certificate Department,
Kumbakonam – 612 001.



WEB COPY



W.P.(MD).No.11616 of 2025

VIVEK KUMAR SINGH, J.

DP

ORDER made in

W.P.(MD)No.11616 of 2025

03.06.2025