



W.A.(MD)No.1451 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.04.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.A.(MD)No.1451 of 2021
and
C.M.P.(MD)No.5945 of 2021**

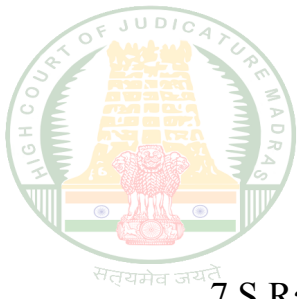
S.S.Murugan @ Sarkarai Poosari (Died)

Ramachandran

... Appellant

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable Endowments,
Nungambakkam High Road,
Chennai - 34.
- 2.The Joint Commissioner,,
Hindu Religious and Charitable Endowments,
Sivagangai.
- 3.M.Navarathinam
- 4.S.Ramar Poosari
- 5.S.Kathiresan Poosari
- 6.R.Hariram Poosari



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7.S.Ramar Poosari

... Respondents

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Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order dated 30.04.2021 passed in W.P.(MD)No.19107 of 2014 on the file of this Court.

For Appellant : Mr.M.Kannan

For Respondents : Mr.K.S.Selvaganesan,
Addl. Government Pleader for R1 & R2.
Mr.S.Parthasarathy,
For Mr.Manikandan for R3.
No appearance for R4 to R7.

JUDGMENT

Heard both sides.

2.The case on hand raises a question as to who should fill up the vacancy caused by the demise of one of the trustees of Irukkankudi Mariamman Temple, Sattur Taluk. The Joint Commissioner, Hindu Religious and Charitable Endowment Department, Sivagangai vide order dated 31.10.2014 recorded Navarathinam, wife of Marimuthu Poojari as the person next in the line of succession. Challenging the same, the appellant herein filed W.P.(MD)No.19107 of 2014. The writ petition was

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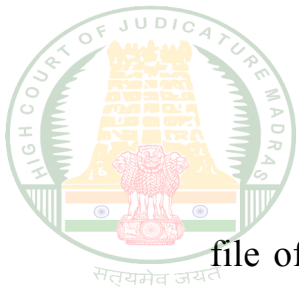


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dismissed vide order dated 30.04.2021. Questioning the same, this writ appeal has been filed.

3.The learned counsel for the appellant submitted that the administration of the temple is governed by a scheme framed in the year 1935. But the scheme was silent as regards the filling up of vacancy in the office of the trusteeship. This issue was resolved vide order dated 23.03.1977 in R.P.No.169 of 1975 by the Commissioner, Hindu Religious and Charitable Endowment Department, Madras. The Commissioner had specifically stated that the expression “hereditary trustee” would mean the eldest son of the family and that it would not include the other sons of the family. This order was passed in response to to a specific question raised by the Madras High Court in W.P.No.4433 of 1995 dated 20.09.1996. He pointed out that this was reiterated by the Hon'ble Division Bench in W.A.Nos.527 of 2010 etc batch dated 21.02.2011.

4.The Hon'ble Division Bench had also specifically directed that since a comprehensive suit has been filed in O.S.No.54 of 2007 on the



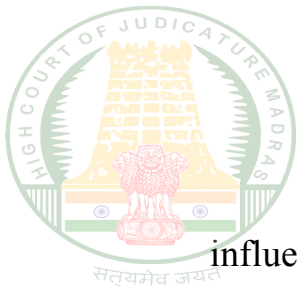
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file of the Sub Court, Sattur, no interim order or final order conflicting with the order of the Hon'ble Division Bench shall be passed. According to the learned counsel for the appellant, the order impugned in the writ petition passed by the Joint Commissioner runs counter to the aforesaid direction of the Hon'ble Division Bench.

5.Per contra, the learned counsel for the contesting private respondents as well as the learned Additional Government Pleader for the department submitted that interference with the order passed by the learned Single Judge is not called for.

6.We first thought of considering the rival contentions and deciding the issue on merits. But on second thoughts, we feel that it would be just and proper to relegate the parties to canvass all their contentions in the pending civil suit ie., O.S.No.108 of 2010 on the file of the District Munsif Court, Sattur.

7.We direct the learned trial Judge to dispose of the suit expeditiously on merits and in accordance with law and without being



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influenced by any of the observations made by the learned Single Judge in the order impugned in this writ appeal. It is relevant to note that the Joint Commissioner in his order had made it clear that his order is subject to the outcome of the suit. It is brought to our notice that in the said suit, Navarathinam has not been shown as defendant. Since she has a vital stake in the subject matter, we permit Navarathinam to file a impleading petition in the pending suit. As and when, it is filed, it shall be allowed.

8.The writ appeal is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S. J.) & (M.J.R. J.)
08.04.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

1.The Commissioner,
Hindu Religious and Charitable Endowments,
Nungambakkam High Road,
Chennai - 34.

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2.The Joint Commissioner,,
Hindu Religious and Charitable Endowments,
Sivagangai.

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G.R.SWAMINATHAN, J.
and
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