



**W.P.(MD).No.12356 of 2025**

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

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**DATED : 28.04.2025**

**CORAM:**

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

**W.P.(MD)No.12356 of 2025**

**K.B.Swamynathan**

**... Petitioner**

**-VS-**

1. The Commissioner,  
Hindu Religious and Charitable Endowments Department,  
Uthamar Gandhi Road,  
Nungambakam, Chennai.
2. The Joint Commissioner,  
Hindu Religious and Charitable Endowments Department,  
Dindigul District.
3. The Assistant Commissioner,  
Hindu Religious and Charitable Endowments Department,  
Dindigul District.
4. The Thakkar,  
Arulmigu K.Mariyamman Samadhi Dharma Property,  
Palani, Dindigul District.
5. K.Palanisamy
6. T.Nagaraj
7. T.Baskaran
8. V.Baskaran

**... Respondents**



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**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1<sup>st</sup> respondent to consider the petitioner's representation dated 14.06.2024.

For Petitioner : Mr.Aayiram K.Selvakumar  
For Respondents : Mr.K.S.Selvaganesan (R1 to R4)  
Addl. Govt. Pleader

### **ORDER**

This writ petition has been filed seeking for a direction to the respondent to consider the petitioner's representation dated 14.06.2024.

2. Considering the nature of the order proposed to be passed in this writ petition, notice to the private respondents is dispensed with.

3. The case of the petitioner is that one Mariappa Chettiyar had executed a settlement deed in favour of Kadaiyappa Chettiyar and his wife in the year 1941 and their legal heirs sold the same to the private respondents herein with a condition to conduct gurupooja of Mariappa Chettiyar, which was not mentioned in the sale deed. Hence, the petitioner filed another writ petition before this Court and the same is still pending. The third and fourth



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respondents, in order to recover the mutt property, filed an application before the second respondent to declare the private respondents herein as encroachers. However, the second respondent passed an order stating that the private respondents cannot be considered as encroachers. The petitioner's contention is that no one has authority at any time to impose restrictions. In this regard, the petitioner made a representation dated 14.06.2024. However, the same has not been considered till date. Hence, this writ petition came to be filed.

4. The learned Additional Government Pleader appearing for the official respondents submits that the petitioner, has a statutory appellate remedy available under Section 21 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 the petitioner is aggrieved by any order passed by the second respondent. Without approaching the said authority, the petitioner has straightaway approached this Court under Article 226 of the Constitution of India.



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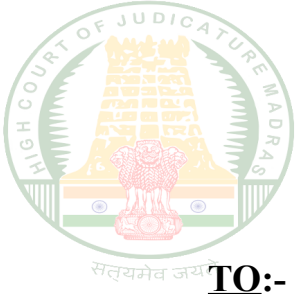
5. This Court, after considering the rival submissions, is of the considered view that the petitioner will have to necessarily prefer an appeal as prescribed under Section 21 of the Hindu Religious and Charitable Endowments Act, 1959, if aggrieved by the order of the second respondent.

6. For the foregoing reasons, the petitioner is directed to prefer an appeal as against the order passed by the second respondent herein, as per Section 21 of the 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 first respondent shall dispose of the appeal within a period of four months 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 first respondent to consider the same on its own merits.

7. With the aforesaid directions, this writ petition is disposed of. There shall be no order as to costs.

**28.04.2025**

NCC : Yes/No  
Index : Yes / No  
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**VIVEK KUMAR SINGH, J.**

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Order made in  
W.P.(MD)No.12356 of 2025

Dated:  
28.04.2025