

W.A(MD)No.1188 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.07.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD)No.1188 of 2025
and
C.M.P(MD)No.7434 of 2025**

K.E.Chellaperumal

... Appellant /
4th Respondent

Vs.

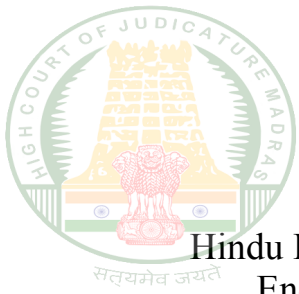
1.N.Balakrishnan

... 1st Respondent/
Petitioner

2.The Commissioner,
Hindu Religious & Charitable
Endowments Department,
No.119, Mahatma Gandhi Road,
Chennai – 600 034.

3.The Joint Commissioner,
Hindu Religious & Charitable
Endowments Department,
Nilagirishwarar Thopu,
Teppakulam Street,
Tiruvanaikoil,
Trichy – 620 005.

4.The Executive Officer,
Uthamarkoil,



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Hindu Religious & Charitable
Endowments Department,

No.1, Tolgate,
Trichy – 621 216.

... Respondents 2 to 4 /
Respondents 1 to 3

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order in W.P(MD)No.7959 of 2025 dated 24.03.2025 on the file of this Court and allow the Writ Appeal.

For Appellant : Ms.S.Mahalakshmi

For Respondents : Mr.M.K.Gokul for R.1

Mr.P.Subburaj
Special Government Pleader
for R.2 & R.3

Mr.V.Chandrasekar for R.4

JUDGMENT

(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.The first respondent herein filed W.P(MD)No.7959 of 2025 for taking steps under Section 78 of the Hindu Religious and Charitable Endowment Act, 1959 to evict the encroachers in the lands belonging to the petition mentioned temple. The learned single Judge vide order dated 24.03.2025 disposed of the writ petition in the following terms:



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“5. In the light of the above observations, there shall be a direction to the respondents 2 and 3 to consider the petitioner's representation dated 27.04.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of four weeks from the date of receipt of a copy of this order. 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 respondents 2 and 3 to consider the same on its own merits.”

Aggrieved by the same, this Writ Appeal has been filed.

3.The appellant herein claims to be the hereditary trustee-cum-poojari of the petition mentioned temple. He had already filed a petition under Section 63(b) before the Joint Commissioner, HR&CE Department, Trichy. Even though a direction was given by one of us way back in February 2021 for disposal of the said O.A, it is unfortunate that till date orders have not been passed.

4.We direct the Joint Commissioner, HR&CE Department, Thiruvanaikoil, Trichy to dispose of the said petition within a period of four



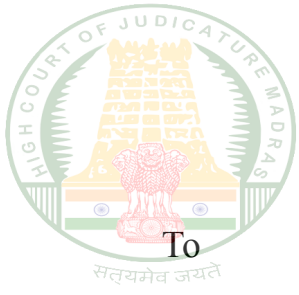
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weeks from the date of receipt of a copy of this order. Otherwise, the contempt proceedings will have to be initiated against the said authority for non-compliance of the order dated 09.02.2021 made in W.P(MD)Nos.21002 of 2019 and 1893 of 2021. The lands belonging to the temple will have to be necessarily recovered. If the authority concerned is negligent in taking action, the department may initiate *suo motu* action under Section 78 of the Act. We do not find any ground to interfere with the order of the learned single Judge. We make it clear that the scope of this Writ Appeal has nothing to do with the status of the appellant as hereditary trustee. The learned single Judge was right in holding that all the devotees irrespective of their community background are entitled to participate in the temple festival.

5.This Writ Appeal stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [K.R.S., J.]
28.07.2025

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

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Endowments Department,
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