



W.P.(MD) No.15122 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2025

CORAM

THE HON'BLE MR.JUSTICE C. SARAVANAN

W.P.(MD) No.15122 of 2025

and

W.M.P.(MD) Nos.11371 & 11373 of 2025

1.A.Karuppasamy

2.B.Ramasubramaniyan

... Petitioners

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
B1 Road, Ellis Nagar,
Madurai - 625 017,
Madurai District.

2.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Nachi Street, Virudhunagar,
Virudhunagar District.

3.The Executive Officer,
Arulmigu Vaithiyanathaswamy Temple,
Madavar Valagam,
Srivilliputhur,
Virudhunagar District.

... Respondents



W.P.(MD) No.15122 of 2025

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari to call for the records of the Impugned Notice issued by the third respondent on 02.04.2025 and quash the same as illegal.

For Petitioners : Dr.C.Guhaseelarupan

For R1 & R2 : Mr.S.S.Madhavan
Additional Government Pleader

For R3 : Mr.P.Mahendran
Standing Counsel

ORDER

The petitioners have filed this Writ Petition challenging the Impugned Notice dated 02.04.2025 issued by the third respondent.

2.The petitioners are the sons of late Mr.K.Angappan and late Mr.S.Balakrishnan. While they were purportedly managing the affairs of Arulmigu Angala Eswari - Malayala Karuppasamy Temple, situated at Madavarvalagam, Srivilliputhur, Virudhunagar District, the third respondent was appointed as Fit Person by the second respondent under Section 49(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, *vide* order dated 02.02.2011.



W.P.(MD) No.15122 of 2025

3. The aforesaid order was the subject matter of challenge by the respective petitioners' father before the Civil Court, i.e., the Additional Sub Court, Srivilliputhur, in O.S.No.117 of 2011. The said suit was dismissed on 21.12.2018 on account of Section 108 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. The appeal in A.S.No.18 of 2019, filed against the judgment and decree dated 21.12.2018 in O.S. No.117 of 2011, was also dismissed by the Additional District and Sessions Judge, Srivilliputhur on 10.02.2022, granting liberty to file a revision petition under Section 21-A of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, pursuant to which, R.P.No.1 of 2022 was filed by the respective petitioners' father on 16.05.2022, and the same is pending as on date. The respective petitioners' father passed away on 21.06.2022 and 22.11.2024. Subsequently, the petitioners filed another application under Section 63(b) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, for a declaration that the post of trusteeship in the aforesaid temple is hereditary.

4. It is in this background that the impugned communication, which has been challenged in this Writ Petition, has been issued, wherein the



W.P.(MD) No.15122 of 2025

third respondent has called upon the petitioners to hand over control of the temple. The fact remains that the third respondent, though appointed as Fit Person as early as 02.02.2011, has not been able to take control of the said temple as Fit Person for the reasons stated above.

5. Considering the fact that R.P.No.1 of 2022 is pending before the first respondent-Joint Commissioner, H.R. & C.E., there shall be a direction to the first respondent-Joint Commissioner to dispose of the same on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6. Considering the fact that a separate petition has been filed under Section 63(b) of the Act, there shall be a further direction to the first respondent-Joint Commissioner to number and dispose of the same on merits and in accordance with law, within a period of six months from the date of receipt of a copy of this order.

7. It is made clear that both the proceedings, i.e., R.P. No.1 of 2022 and the petition filed under Section 63(b) of the Act, shall not be clubbed together.



W.P.(MD) No.15122 of 2025

WEB COPY 8. Accordingly, this Writ Petition stands disposed of. No costs.

Consequently, connected Miscellaneous Petitions are closed.

11.06.2025

JEN

Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes/No

Speaking Order / Non-Speaking Order

To

1.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
B1 Road, Ellis Nagar, Madurai - 625 017,
Madurai District.

2.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Nachi Street, Virudhunagar,
Virudhunagar District.



WEB COPY



W.P.(MD) No.15122 of 2025

C.SARAVANAN, J.

JEN

W.P.(MD) No.15122 of 2025
and
W.M.P.(MD) Nos.11371 & 11373 of 2025

11.06.2025