

W.A(MD)No.1671 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 09.07.2025

CORAM

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

**W.A(MD)No.1671 of 2025
and
C.M.P(MD)Nos.9339 & 9341 of 2025**

S.V.Seshan

**... Appellant /
Petitioner**

Vs.

- 1.The Commissioner,
Hindu Religious & Charitable
Endowments Department,
Nungambakkam High Road,
Chennai – 600 034.
- 2.The Regional Joint Commissioner,
Hindu Religious & Charitable
Endowments Department,
Dindigul.
- 3.The Assistant Commissioner,
Hindu Religious & Charitable
Endowments Department,
Palnichettipatti,
Theni.



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4.The Inspector,
Hindu Religious & Charitable
Endowments Department,
Theni.

5.The Fit Person / Thakkar,
A/m.Boolanantheeswarar Thirukovil,
Chinnamanur,
Uthamapalayam Taluk,
Theni District.

6.Jagesthra Packeswaran
***(R.6 is impleaded vide order of
this Court dated 30.06.2025 made
in C.M.P(MD)No.10019 of 2025)***

7.V.Seenivasavaradhan Iyengar
***(R.7 is impleaded vide order of
this Court dated 09.07.2025 made
in C.M.P(MD)No.10682 of 2025)***

... Respondents /
Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the impugned order dated 13.02.2025 made in W.P(MD)No.3525 of 2025 on the file of this Court and allow the Writ Appeal.

For Appellant : Mr.M.Pozhilan

For Respondents : Mr.P.Subburaj
Special Government Pleader
for R.1 to R.4

Mr.Ravi
Senior Counsel
for Mr.M.Karthikeyavenkitachalopathy
for R.6



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JUDGMENT

(By G.R.SWAMINATHAN, J.)

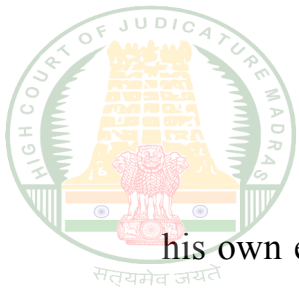
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Heard both sides.

2.The appellant herein filed W.P(MD)No.3525 of 2025 challenging the order dated 20.09.2024 passed by the Regional Joint Commissioner, HR&CE, Dindigul appointing a fit person for the subject temple. The learned single Judge relegated the appellant to avail the statutory remedy. Aggrieved by the same, this Writ Appeal has been filed.

3.It is true that the impugned order had been passed by invoking Section 53(4) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. The second respondent herein had erroneously quoted the said statutory provision, which has no application to the facts of the case. It is well settled that mere wrong quoting or misquoting of a statutory provision will not invalidate an order that is otherwise valid.

4.The appellant has not been formally recognised as a trustee till date. It is also interesting to note that the appellant's claim is vigorously contested by



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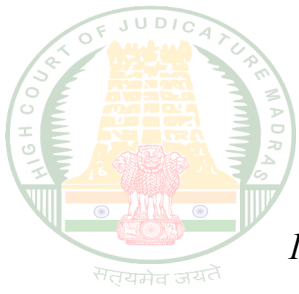
his own elder brother. Therefore, in the very nature of things, there is nothing to interfere with the order appointing a fit person. It is for the appellant to work out his rights in the manner known to law.

5.An incidental issue also arises for consideration. The appellant has sought a direction for granting him permission to conduct the Maha Kumbabishegam of the temple.

6.When the very status of the appellant is yet to be recognised, it would not be appropriate to permit him to conduct the Kumbabishegam.

7.The learned Senior Counsel appearing for the impleaded sixth respondent states that the sixth respondent had spent his funds towards the renovation works and he is also willing to bear the expenses for conducting the Kumbabishegam. The impleaded respondent had filed W.P(MD)No.3423 of 2025 and the learned single Judge vide order dated 06.02.2025 allowed the Writ Petition in the following terms:

“5. The learned counsel for the petitioner submits that the villagers decided to perform the Kumbhabhishegam on 10.02.2025 between 09.00 a.m. and 10.00 a.m., as the last Kumbhabhishegam was performed by the villagers on



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17.03.2006. They sought the advice of Sri Sri Sri Sadagopa Ramanujar Jeeyar Swamigal from Srivilliputhur. It was unanimously decided by the villagers that each family would contribute Rs.2,500/- towards the Kumbhabhishegam, and the contributions would be deposited only in the bank account and no cash will be accepted. Thus, the villagers collectively contributed a sum of about Rs.10 lakhs, with contributions from 400 families, though others have yet to contribute.

...

14. Considering the above submissions made by the learned counsel appearing for the parties, this Court directs the first respondent, namely, the Assistant Commissioner, H.R. & C.E. Department, Theni District, to ensure his presence from the date of commencement of customary temple rituals that has to be performed in the eve of Kumbabhishekam (i.e., from 08.02.2025 to 10.02.2025). He shall also ensure that peace is to be maintained and that the Kumbabhishekam and Poojas are to be performed in their proper context as scheduled, without paving way to any untoward incidents in the temple festival.”

8.The next issue pertains to the fixation of the date for the Maha Kumbabishegam. Though there are no judicially manageable standards to decide this issue, there cannot be any dispute on one aspect. Neither the HR&CE Department nor the fit person appointed by it can decide the issue on their own. In the very nature of things, this subject falls within the exclusive



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realm of religious customs. It is not a secular affair. Even if there is a regular trust-board, they will have to finalise the issue only on the basis of the opinion given by the persons/person who are not only well-versed in the subject but who traditionally fix the date and timings for conducting the Kumbhabisekham. We, therefore, direct the fit person to consult His Holiness the Srivilliputhur Jeeyar in this regard. He shall abide by the decision of the said religious authority. On the date and time indicated by His Holiness, the Kumbabishegam shall be performed. Since there are disputes involving a section of villagers, police protection shall also be given to ensure the smooth conduct of the Kumbabishegam.

9.This Writ Appeal is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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

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NCC : Yes / No
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