



W.P(MD)No.14036 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.10.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14036 of 2025

and

W.M.P.(MD)No.20815 of 2025

K.Baskaran

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Uthamar Gandhi Salai,
Nungambakkam,
Chennai-600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Trichy District, Trichy.

3.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Perambalur District.

4.The Executive Officer,
A/m.Sutharathneshwar Temple,
Uttathur, Lalgudi Taluk,
Trichy District.

5.D.Thangavel Odayar
(R5 is impleaded vide order dated
16.09.2025 in W.M.P.(MD)No.14593 of 2025)



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6.Senthil Kumar

(R6 is impleaded by this Court
vide order dated 07.10.2025
in W.M.P.(MD)No.20815 of 2025)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the proceedings in Na.Ka.No.2102/2024/A7, dated 28.04.2025 on the file of the third respondent herein and to quash the same.

For Petitioner : Mr.W.M.Abdul Majeed

For Respondents : Mr.P.Subbaraj
Special Government Pleader
for R1 to R3
: Dr.Ramesh Mahadev
for R4
: Mr.S.Ramsundarvijayraj
for R5
: Mr.O.R.Gokul Abimanyu
for R6

ORDER

Heard both sides.

2. The petitioner challenges the order dated 28.04.2025 whereby he has been removed from the post of trustee. The impugned order was passed by the Assistant Commissioner, HR & CE, Perambalur. The petitioner's name was entered as hereditary trustee following his father's demise by the Joint



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Commissioner vide order dated 31.10.2020. The said order was set aside by the Commissioner of HR & CE vide order dated 06.01.2025. The order of the Commissioner of HR & CE was quashed by me today in W.P.(MD)No.14095 of 2025. As a result, the order passed by the Joint Commissioner has sprung back to life. The resultant position is that the petitioner enjoys the status of the hereditary trustee. The Assistant Commissioner of HR & CE will have jurisdiction to take action only in respect of a non-hereditary trustee. This is clear from the scheme set out in Section 53(1) of the Tamil Nadu HR & CE Act. That apart, as rightly pointed out by the learned counsel for the petitioner, before removing a person from the post of trusteeship, certain procedures will have to be followed. Section 53(3) of the Act reads as follows:-

“(3) When it is proposed to take action under sub-section (2), the appropriate authority shall frame charges against the trustee concerned and give him an opportunity of meeting such charges, of testing the evidence adduced against him and of adducing evidence in his favour ; and the order of suspension, removal or dismissal shall state the charges framed against the trustee, his explanation and the finding on each charge with reasons therefor.”

3. In the case on hand, the aforesaid procedure was not at all followed. Thus, on these twin grounds namely lack of jurisdiction and non-adherence to the statutory procedure, the impugned order has to be set aside. It is accordingly set aside.



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4. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

07.10.2025

Index : Yes / No
Internet : Yes/ No
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To

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G.R.SWAMINATHAN, J.

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