



W.P.(MD) No.15417 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.06.2025

CORAM

**THE HON'BLE MR.JUSTICE C. SARAVANAN**

**W.P.(MD) No.15417 of 2025**

and

**W.M.P.(MD) No.11648 of 2025**

1.M.Saravanan

2.M.Balu

3.K.Seenivasan

4.P.Prabhu

... Petitioners

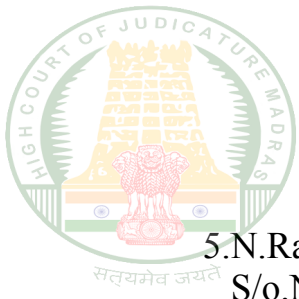
Vs.

1.The Joint Commissioner,  
H.R. & C.E. Department,  
Madurai.

2.The Assistant Commissioner,  
H.R. & C.E. Department,  
No.18, Natchi Street,  
Virudhunagar.

3.The Inspector,  
H.R. & C.E. Department,  
Aruppukottai,  
Virudhunagar District.

4.The Executive Officer / Thakkar,  
Sri Chookanatha Swami Thirukoil,  
H.R. & C.E. Department, Virudhunagar.



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5.N.Rajarajeshwaran,  
S/o.Narayanasamy,  
Trustee, Arulmigu Kaliyamman Thirukoil,  
Chinna Vallikulam,  
Villipathiri Post, Aruppukottai Taluk,  
Virudhunagar District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, forbearing the fourth respondent from handing over possession of “Arulmigu Sri Kalliyamman Thirukoil”, Chinna Vallikulam Village, Vallipathiri Post, Aruppukottai Taluk, Virudhunagar District till the disposal of the Revision in R.P.No.1 of 2024 pending before the first respondent.

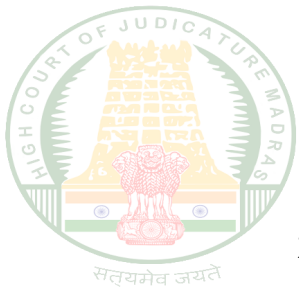
For Petitioners : Mr.PT.S.Narendravasan

For R1 to R4 : Mr.S.S.Madhavan  
Additional Government Pleader

For R5 : Mr.M.Vivek Bharathi

### **ORDER**

The petitioners have filed this Writ Petition for issuance of a Writ of Mandamus to forbear the fourth respondent from handing over possession of *Arulmigu Sri Kalliyamman Thirukoil*, situated at Chinna Vallikulam Village, Vallipathiri Post, Aruppukottai Taluk, Virudhunagar District, pending the disposal of the Revision Petition in R.P.No.1 of 2024 on the file of the first respondent.



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2. The private respondent, i.e., the fifth respondent herein, was appointed as a non-hereditary trustee by the second respondent, the Assistant Commissioner, Hindu Religious and Charitable Endowments Department, Madurai, by an order dated 08.08.2023, for a period of two years. The said order was the subject matter of W.P.(MD) Nos. 16129 and 16130 of 2024, filed at the behest of one M. Deivendran. By a common order dated 22.07.2024, the said Writ Petitions were disposed of with the following observations:

*7.I have considered the submissions made by the learned counsel for the petitioner and the learned Special Government Pleader for the respondents 1 to 4.*

*8.The petitioner has an alternate remedy under Section 21 of the HR & CE Act, 1959, before the Commissioner against the impugned order dated 08.08.2023. It is for the petitioner to establish that the appointment was totally without following due procedure of law under Section 49 of the Act.*

*9.That apart, the petitioner also has to file a suitable application before the Joint Commissioner under Section 63 of the HR & CE Act, 1959 to establish that the petitioner is the hereditary trustee of the temple recognized by the members of the community.*

*10.Therefore, these Writ Petition stand dismissed by giving liberty to the petitioner to challenge the impugned orders dated 08.08.2023 and the consequential order dated 26.06.2024 of the second respondent in W.P.(MD) No. 16130 of 2024 before the*



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*Commissioner under Section 21 of the HR & CE Act, 1959. The petitioner is also given liberty to file a petition under Section 63(b) of the HR & CE Act, 1959 to establish that the petitioner is the hereditary trustee.*

*11.In case, such petitions are filed, they shall be disposed of on merits and in accordance with law. Since the right of the petitioner flows from the claim that the petitioner is the hereditary trustee of the temple, it is expected that the Joint Commissioner will first dispose of the petition to be filed under Section 63(b) of the HR & CE Act, 1959, if any, preferably within a period of 3 months from the date of filing of such petition.*

*12.Such petition is expected to be filed as expeditiously as possible preferably within a period of 30 days from the date of receipt of a copy of this order. Subject to the outcome of the aforesaid order, the petitioner's appeal will be disposed of by the Commissioner in the proposed appeal against the impugned order.*

3. The fifth respondent, who was appointed as a non-hereditary trustee by an order dated 08.08.2023, had also filed W.P.(MD) No.21944 of 2023, W.P.(MD) No.10216 of 2024, and W.P.(MD) No.26028 of 2024, which were disposed of on 11.09.2023, 26.04.2024, and 09.12.2024, respectively.

4. Meanwhile, the petitioners filed a Revision Petition in R.P.No.1 of 2024 before the first respondent on 21.08.2024, challenging the order

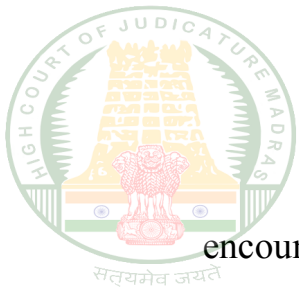


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of the second respondent dated 08.08.2023, appointing the fifth respondent as a non-hereditary trustee. The said Revision Petition is still pending before the first respondent.

5. This Writ Petition is opposed by the learned counsel for the fifth respondent on the ground that, since the fifth respondent was appointed as a non-hereditary trustee and the petitioners, along with the villagers, frustrated the implementation of the said order, therefore the control of the subject temple may be handed over to the fifth respondent at least for the remaining period of his tenure, i.e., up to 02.07.2025.

6. Having considered the submissions made by the learned counsel for the petitioner, the learned Additional Government Pleader appearing for the first to fourth respondents, and the learned counsel for the fifth respondent, I am of the view that this Writ Petition can be disposed of at the admission stage by directing the first respondent to dispose of the Revision Petition filed by the petitioners on 21.08.2024 in R.P.No.1 of 2024, preferably within a period of two months from the date of receipt of a copy of this order. In case no such order is passed by the first respondent due to any procedural impediment, which the first respondent may



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encounter, the control of the temple may be handed over to the fifth respondent, pending disposal of the Revision Petition.

7. Accordingly, this Writ Petition is disposed of with the above observations. No costs. Consequently, connected Miscellaneous Petition is closed.

**09.06.2025**  
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Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes/No

Speaking Order / Non-Speaking Order

To

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Madurai.
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**C.SARAVANAN, J.**

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