



W.P.(MD) No.15656 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**W.P.(MD) No.15656 of 2025
and
W.M.P.(MD) Nos.11880 & 11881 of 2025**

P.Kasirajan

... Petitioner

Vs

1. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam,
Chennai 600 034.

2. The Joint Commissioner,
Office of the Joint Commissioner,
Sivagangai, Sivagangai District.

3. The Assistant Commissioner,
Office of the Assistant Commissioner,
Sivagangai, Sivagangai District.

4. G.Rajangam

5. V.Kasinathan

6. V.Jeyaraman



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7. P.Thangaraj

8. R.Sivalingaraja

9. K.Sankara Srinivasan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the respondents 1 to 3 herein to appoint a Fit person to the religious institution Arulmigu Cheruvalinga Ayyanar Temple, Easunur, Sivagangai in the wake of serious charges dated 04.03.2024 against the respondent hereditary trustees and for continuous compounding act of illegal collection of funds from public for the ensuing Vaikasi Visagam festival commencing from 09.06.2025.

For petitioner : Ms. J.Padhmaavathi Devi

For respondents : Mr.S.S.Madhavan
Additional Government Pleader for R1 to R3
Mr.M.Saravanan for R8 & R9

ORDER

This Writ Petition is disposed of at the time of admission after hearing the learned counsel for the petitioner, learned Additional Government Pleader for the respondents 1 to 3 and the learned counsel for the respondents 8 and 9 and after dispensing with the notice to the respondents 4 to 7 as no adverse orders are

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proposed to be passed against them.

2. This Writ Petitions has been filed on 06.06.2025 during the temple festival called “Vaikasi Visakam” in Arulmigu Cheruvalinga Ayyanar Temple, Easunur, Sivagangai.

3. The petitioner has filed this Writ Petition for a direction to the respondents 1 to 3 to appoint a fit person under Section 53 of the TN HR & CE Act, 1959 on the ground that the private respondents 4 to 7 have been suspended by an order dated 07.02.2025 of the Joint Commissioner/second respondent bearing Na.Ka. No.761/2024-2/Aa1.

4. It is informed by the learned Additional Government Pleader for the official respondents/respondents 1 to 3 that these respondents have already been removed by an order dated 09.04.2024 by the Joint Commissioner/second respondent.

5. The learned counsel for the respondents 8 and 9 would submit that since



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the post of the trustee is hereditary in nature as per the scheme decree and therefore, one Sathyamoorthi, Subathra and Kasinathan have stepped in in place of the private respondents 4 to 7 and one vacancy still remains to be filled up.

6. As far as the respondents 8 and 9 are concerned, they have been appointed and regularised as hereditary trustees by the Joint Commissioner/second respondent in his proceedings dated 25.07.2024 and 29.04.2025, respectively.

7. It is the further case of the petitioner that the Annathanakudam was built by the hereditary trustees, some of whom now suspended and removed, out of collections from the devotees and that the petitioner was allowed to manage the Annathanam during the temple festival.

8. It is submitted that the petitioner, or for that matter, one V.Kasi, who had filed W.P.(MD) No.13317 of 2025, cannot usurp the powers vested with the hereditary trustees.



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9. It is further stated that by virtue of the order, dated 06.06.2025 bearing reference in Na.Ka.No.421/2025/A3, the Assistant Commissioner, TNHR&CE/third respondent herein has constituted a Special Committee to oversee the aforesaid temple festival, namely, “Vaikasi Visakam”, which is commenced on yesterday i.e., 09.06.2025 and is culminated on tomorrow i.e., 11.06.2025.

10. It is submitted that by virtue of the aforesaid order, the Special Committee, consisting of Executive Officer of Vettudaiyar Kalamman Temple and Assistant of the same temple, have been deputed between 10.06.2025 and 11.06.2025 along with Inspector of Nachiyarpuram to oversee the activity by the hereditary trustees in the matter of temple festival, namely, Vikasi Visakam.

11. The learned counsel for the private respondents/respondents 8 and 9 would submit that the petitioner or, for that matter, the said Kasi have no role to interfere with the temple festival or for appointing a fit person.

12. The learned counsel for the official respondents/respondents 1 to 3, on



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the other hand, would submit that since there has been a dispute, the temple festival was organized by the petitioner belonging to the Yadava community for benefit of the devotees.

13. It is submitted that the Court has restrained the private respondents earlier by an order dated 30.04.2024 in W.P.(MD) No.10800 of 2024, pursuant to which an order came to be passed on 15.05.2024 bearing reference in Na.Ka.No. 3202-2/2023/A4 by the third respondent/Assistant Commissioner.

14. It is submitted that an attempt was made by the seventh respondent representing himself as hereditary trustee in W.P.(MD) No.11303 of 2024, which was also turned down by the Court by its order dated 22.05.2024 by permitting the said petitioner, namely, seventh respondent herein to submit a representation before the official respondents/respondents 1 to 3 to consider and pass appropriate orders.

15. It is the further case of the petitioner that by an order dated 30.04.2025 in W.P.(MD) No.13317 of 2025 on the allegation against one Rajangam/fourth



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respondent herein, the second respondent herein was directed to consider the representation dated 11.02.2025 to pass appropriate orders, which have now culminated in suspension of the said Rajangam/fourth respondent and other respondents by an order dated 07.02.2025 and have been eventually removed on 09.04.2025.

16. It appears that the arrangements have been made by both by the petitioner representing the interest of the community and the private respondents/respondents 8 and 9 along with the said Sathyamoorthy, Subathra and Kasinathan for the temple festival for Annathanam in the Annathanakudam.

17. As far as the collections of revenue is concerned, it has to be only by the trustees recognized by the TNHR & CE Department and therefore, only the private respondents Nos.8 & 9 as also the said Sathyamoorthy, Subathra and Kasinathan alone collect amounts from the devotees, who are visit the temple.



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18. The Special Committee, which was constituted by the third respondent in his proceedings, dated 06.06.2025, shall ensure that there are no untoward incidents during the temple festival either at the behest of the petitioner or at the behest of the hereditary trustee recognized by them. They shall ensure that the temple festival shall be conducted in a peaceful manner and the devotees are allowed to participate in the said temple festival with the help of the local police.

19. As far as the appointment of a fit person under Section 53 of TN HR & CE Act, 1959 is concerned, it is for the petitioner to pursue the remedy against the existing hereditary trustees, who have been recognized by the TNHR & CE Department by giving suitable application. In case, any complaint is made against them, appropriate orders may be passed under the aforesaid provision of the Act.

20. Annathanakudam Keys shall be handed over to the Officers of the TNHR & CE Department, who have been nominated by the Assistant Commissioner. The keys shall be kept in the custody of the Officers of the TN HR & CE Department till the festival is over and shall, thereafter, be handed over to



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the hereditary trustees.

21. This Writ Petition is disposed of with above observations. No costs.

Consequently, connected miscellaneous petitions are closed.

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Internet : Yes / No

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C.SARAVANAN, J.

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